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# REDD + AS A TOOL TO STRENGTHEN THE STATE AND FOSTER HUMAN DEVELOPMENT. AN ABRIDGED VERSION OF THE STIPULATIONS OF THE REDD + LAW

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# REDD + AS A TOOL TO STRENGTHEN THE STATE AND FOSTER HUMAN DEVELOPMENT. AN ABRIDGED VERSION OF THE STIPULATIONS OF THE REDD + LAW

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**Abstract:**

REDD+ is currently perceived by States and local people (indigenous, rural and especially those who live in the forest) as a new threat to their own rights (such as "carbon cowboys"). By its very nature, it can basically complete the destruction of the state by permanently deleting the law, its relevance, function, character and spirit. However, local people and States could exploit this new policy to better establish their rights. Under what conditions can they do this? Their determination is real and it is of great urgency. REDD+ is applied primarily in tropical forests, habitat of vulnerable local populations, and nationals of countries or regions that are themselves fragile.

**Keywords:**

REDD+, law, policy, local people, State

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Local peoples' law and climate law. He is currently studying the Indigenous and local peoples' forest rights in Central Africa.

## I. Introduction

Several actions are currently underway to reduce the effects of climate change. Reducing emissions from deforestation and forest degradation (REDD+) is part of the process. REDD+ is based on the idea that countries wishing to reduce emissions from deforestation and able to do so should be financially compensated for their actions in this direction. The principle of REDD+ is to provide financial compensation for the reduction of emissions of greenhouse gas emissions from deforestation and degradation of tropical forests. The concept was expanded with the "+" REDD + that involves conservation aspects, sustainable management of forests and enhancement of forest carbon stocks.

Nowadays it is generally known that local populations (indigenous, farmers and forest people especially) are directly affected by REDD+. As positive actors, they are quite constructive. Indeed, they have "a special role to play in REDD+ given their traditional knowledge and relationship to the forest and their presence on the ground." [1] But they are essentially the first victims of this new policy, which greatly threatens their rights, their lifestyles and the basis of their development. In this respect, indigenous people are more affected than other local populations:

"There is no doubt that REDD will affect indigenous peoples in one way or another. Given that REDD will operate against a national reference scenario, REDD projects may or may not be undertaken by governments in indigenous peoples' territories. If REDD projects are undertaken in their territories, they may have to pay a heavy price in terms of land rights, culture and livelihood adjustments. On the other hand, where REDD projects are not undertaken in indigenous peoples' territories, governments may regulate land use and land use change activities in indigenous territories anyway so as not to cause "leakage" in the national REDD reference scenarios. This will also have serious implications for indigenous peoples' land, cultural and

[1] Forest Carbon Partnership Facility and UN-REDD Programme, *Draft Guidelines on Stakeholder Engagement in REDD+ Readiness With a Focus on the Participation of Indigenous Peoples and Other Forest-Dependent Communities*, 18 May 2011, available on the Internet at < www.bicusa.org/wp-content/uploads/2013/02/FCPF+UN-REDD+Stakeholder+Guidelines+05-18-11.pdf> (last accessed on 21 April 2015), at p. 2.

livelihood options. In a nutshell, REDD puts indigenous peoples between a rock and a hard place unless it is done right"[2].

"That REDD activities may have severe impacts on indigenous peoples has been acknowledged by the Office of the High Commissioner for Human Rights (OHCHR), the Permanent Forum on Indigenous Issues (PFII) and by the UN-REDD Programme (UNREDD). The PFII decided in 2008 that, if they are to avoid harm to indigenous peoples, REDD plans and projects must respect rights to land, territories and resources, and the rights of self-determination and the free, prior and informed consent of the indigenous peoples concerned. The OHCHR observes that indigenous communities fear expropriation of their lands and displacement‖ in connection with REDD initiatives, and concludes that indigenous peoples require special attention to ensure that their rights are respected. The UN-REDD concurs and has formally incorporated the 2007 UN Declaration on the Rights of Indigenous Peoples into its operational policy instruments. It explains that the right to free, prior and informed consent is a fundamental policy and operational underpinning of the UN-REDD Programme. Indonesia‘s approach and practice with respect to REDD stands in stark contrast to the positions adopted by these UN bodies"[3].

This has two fundamental causes. "First, indigenous peoples’ territories are and will continue to be a priority for REDD+ projects, because the majority of the forests that still remain intact is inhabited by indigenous peoples, and because indigenous peoples’ management of the forests has been shown to be especially successful at preventing deforestation. Indigenous peoples, however, are particularly vulnerable to the harmful impacts of REDD+ due to their unique relationship with their environments, and because many indigenous peoples do not have secure titles to their land, and are marginalized or politically disenfranchised"[4].

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[2] Kanyinke Sena and Sille Stidsen, "REDD and Indigenous Peoples’ Rights in Africa", 1/09, *Indigenous Affairs* (2009), pp. 10 *et sqq.*, at p. 13 and p. 14.

[3] Forest Peoples Programme, Sawit Watch, Aliansi Masyarakat Adat Nusantara, "Request for Further Consideration of the Situation of the Indigenous Peoples of Merauke, Papua Province, Indonesia, and Indigenous Peoples in Indonesia in General, under the Committee on the Elimination of Racial Discrimination’s Urgent Action and Early Warning Procedures", 06 February 2012, available on the Internet at <www.forestpeoples.org/sites/fpp/files/publication/2012/02/2012-cerd-80th-session-ua-update-final.pdf> (last accessed on 17 July 2014), at p 8.

[4] Leonardo A. Crippa and Gretchen Gordon, *International Law Principles for REDD. The rights of indigenous peoples and the legal obligations of REDD+ actors*, (Washington DC: Indian law Resource Center 2012), at p. 7.

The potential impact of REDD+ on the rights of local populations has led them to declare a total rejection of REDD+, at least so long as no status or favorable development is proposed for this new policy[5].

Together, the local population and the state could however exploit this new policy to better establish their rights. Determining the conditions for this achievement should be considered as a matter of urgency insofar as REDD+ operates primarily in tropical forests; home to vulnerable local populations, nationals of countries or regions that are themselves fragile.

Primarily REDD+ would protect State and its people. Indeed, it includes the recognition of the rights of local population: the right to exploit forest resources, the right to secure land, the right to equal access to the benefits of forest use by third parties, the right to participate in decisions affecting forests which provide them with shelter, etc. It also imposes the redevelopment of the people to ensure the existence and effective and efficient implementation of this development. Finally, in the same direction, and as is apparent, different Readiness Preparation Proposals (R-PPs) and REDD+ constitute a tool for synthesis, coordination and consequently purification and restoration of the legitimacy of the law.

However, these improvements are not sufficient and satisfactory for the implementation of state and local rights. They could contribute to their final disposal. They need to be detailed.

Our focus is on the legal framework of REDD+.

Law in itself is a useful tool. It is a tool for promoting the rights of individuals and for improving their living conditions[6]. Its legitimacy is obviously due to some of its basic characteristics and principles that govern it and institutions that implement it. It is basically the result of what the law is in itself. Indeed, it is "located in the normative science category", that is to say, science which consists of a set of rules of human conduct, which indicate what should be, even if it happens that what should be isn't: it is in this category that law is placed as moral sciences, logic, and grammar, where the object is conditioned by the 'standards; "what man should do, even

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[5] See in particular the letter addressed by the Salvadorian national Indigenous Coordinating Council to Benoït Bosquet, coordinator of the World Bank's Forest Carbon Partnership Facility (FCPF) on 23 May 2012, available on the Internet at <www.redd-monitor.org/2012/06/05/indigenous-peoples-in-el-salvador-reject-the-world-banks-fcpf> (last accessed on 05 Juny 2012).

[6] See in particular Liora Israel, *L'arme du droit*, (Paris: Presses de Sciences Po. 2009).

if at times he does not do it"[7]. It has "the purpose of trying to organize a harmonious society, and to resolve conflicts between men"[8]. In this light, it is less of a science than an art. It is an essential and inherent art in any society ("Ubi societas, ibi jus" Where society is, there is the law).

The way of Law is written deserves as much attention as its content. Indeed, like this one, the form contributes to the achievement of standards. "In general, if modern Laws affirm the prevalence of substance over form, it is also recognized that the form is a guarantee of a good legal technique. Recent developments in the legal language is proof that the Law cannot be satisfied with an approximate analysis of its language". Moreover, the form of standards is increasingly being influenced by external rules (international conventions, donors) whose modes of expression and transmission may be inappropriate for countries, in whole or part, or for people to whom they apply.

The state does not know how to use the law, but above all it does not know what to use law. In some contexts where it is particularly necessary, the law ceases to be legitimate. This pertains to local rights in developing countries, especially the rights of indigenous communities. Again, there arises two common questions: Why make Law? How do we make maws? This raises a basic question: under what conditions can the law contribute or is it contributing to improve the living conditions of local populations?

Admittedly to postulate to write any good and just law involves first of all identifying the problem or need, current and future, to which a legal text will respond (I), then identifying the consecutive statement to achieve the objective (II) and finally the constructing a suitable legislative process that will allow this achievement (III). These three elements are present in the context of the legal framework for REDD+. However, for now, they appear to be poorly understood or are not well conceived. They thus prevent the effective legal management of REDD+.

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[7] Author's translation of the original text: "se place dans la catégorie des sciences "normatives", c'est-à-dire des sciences qui se composent d'un ensemble de règles de conduite humaine, lesquelles indiquent ce qui devrait être, même s'il arrive en fait que ce qui devrait être ne se produise pas: c'est dans cette catégorie que se placent, avec le droit, des sciences comme la morale, la logique, la grammaire, dont l'objet est de fixer par des "normes" ce que l'homme devrait faire, même si parfois il ne le fait pas" (Paul Roubier, *Théorie générale du droit. Histoire des doctrines juridiques et philosophie des valeurs sociales*, 2nd ed. (Paris: Librairie du Recueil Sirey 1951), at p. 61 and p. 62).

[8] Author's translation of the original text: "pour but de chercher à organiser une société harmonieuse, et à résoudre les conflits entre les hommes" (Ibid., at p. 198).

Is it possible to correct it? Is Law capable of managing REDD+? The Law must be conceptualized anew to make it a useful tool. Law is only a localized or regional matter[9]. This fact leads one to reflect only on its impact on the current internal legal construction, and not (yet) on the specificity of the "Right" tool. If the law is not an issue, then it is free to face any system (form and content). The construction of it is necessarily linked to the context (especially political, cultural, social and psychology) of the writing and implementation of the law of the country concerned. The sociological analysis of the administration is also fundamental. But there are some models, which like the French civil law system, have spread throughout the world to suit the political history. Although this could be adapted to specific contexts, these models when imposed on other contexts could be more or less ineffective. What should be done? This may involve a complete challenge to the current internal legal organization, a total liberation or revolution (depending on the country and/or thematic extension of the concept of law and challenge of the formal-informal distinction, rejecting the sanction, scheduling horizontal rules, official recognition of social practice as a source of law, etc.).

## II. Methods

Our aim was to describe and study the context of creation and application of law to provide a suitable legal system.

Our research was conducted in Cameroon in several framework directly affected by REDD such as land and forest rights.

We considered that the common legal method, which is primarily based on the analysis of texts (acts, case law), was not fully satisfactory to identify and analyze the features of the context of creation and application of law. So we used other legal methods, especially sociology, anthropology and psychology, as well as non-legal disciplines, especially political and

[9] See in particular Alain Supiot, "La pauvreté au miroir du Droit", Special Issue 4*Field Actions Science Reports* (2012), available on the Internet at < factsreports.revues.org/1251 > (last accessed on 15 October 2012).

administrative sciences, linguistics and geography. In this line, it was not always necessary to fully follow the orthodoxy to provide useful information.

Informations were acquired and understood on the basis of active participation in workshops organized by civil society, ministries or technical partners. These workshops was on REDD and related materials (rural women, indigenous peoples, forest). We also organized our own workshops regarding the land law reform, as part of the Observatory on land grabbing in Cameroon, which has been recently formed by Paul Ango Ela Foundation (FPAE) and the Centre for international Cooperation in Agronomic Research for Development (CIRAD). These workshops helped us to answer to the following questions on land law reform: 1 On what space? 2 For what purpose? 3 When to intervene? 4 How should it respond?

We organized four workshops in 2013 in Yaoundé (Box 1). These workshops brought together the various actors involved in the land tenure issue: civil society, decentralized local governments, ministries and decentralized authorities, parliamentarians, researchers. We and all the participants adopted an open discussion approach and privileged interactions. This approach generated interesting and useful sincere understanding of land issues in Cameroon. The diversity of point of view - related to the various actors - has reinforced the approach. They highlighted fears, perceptions and provisions of all the participants and brought forth the variability of land dynamics in the different regions of Cameroon.

**Box 1: The workshops organized by the Observatory on land grabbing in Cameroon**

The first workshop was organized on 19 and 20 February 2014 in Yaounde and animated by Hortense Ngono (RRI).
Its theme was: 'Mapping national actors involved in land grabbing in Cameroon.' The purpose of this meeting was to identify the different types of involved actors - public, private, traditional - in the large-scale land ownership and analyze the relationships between them.

The second workshop OATGE organized on 26 and 27 February 2014 in Yaounde, Cameroon and animated by Guy Patrice Dkamela (CERAD).

Its objective was 'to identify and characterize the main forms of ownership of large-scale land in Cameroon and, as expected result, identify an objective measurement tool of the phenomenon of large scale land grabbing.' Exercise commanded to expand the observation in order to: 1) consider the different vocations of land (agricultural concessions, conservation, etc.), 2) identify variations on how land issues arising in various regions of Cameroon and 3) highlight the impacts of land transactions both on communities and the environment.

The third workshop was held March 5, 2014 in Yaounde and led by Stéphane Akoa (FPAE). Its objective was: 1) to better define the commodification of land rights by developing a typology of transactions and 2) determine the impact / potential impact in terms of land insecurities and therefore security.

The last workshop was organized April 16, 2014 in Yaoundé and led by Stéphane Akoa (FPAE).
The theme was: 'State Law, Land Law: where is the problem.' The protection of local rights and their development are integrated into the Cameroonian law. However, is this structure adapted to the new challenges (REDD, financialization of the earth, etc.)? our aim was especially to: 1) identify, characterize and insert social practice into the political and legal approach -use and enrichment of the matrix of land control-, 2) to revisit the role of civil society in the State, its construction and operation, and 3) to rewrite a general theory of Cameroonian land law.

Finally we also conducted an involved, immersed and applied research in the field, in direct, continuous and real contact with his subject. We participated in all writing governmental workshops on REDD. We also used this participation to test and refine our ideas about desirable structure of the legal system –general legal system and legal system concerning REDD-.

## III. The problem to solve or the need to meet

The legal arrangements for REDD+ are often poorly thought out and ignore the correct path to be really useful. It is very easy for example to see that most reformers land law committed

(deliberately?) reform of land property rights without rarely ask whether a real legal problem exists. This reform is now, actually posed as a real dogma, suddenly said. Woe to all who oppose!

But what is a legal problem? How does it form? When should it be solved? How to ensure its content? What is it? How to determine the best moment, existence and content? Although essential, these questions are too often ignored.

The existence of facts does not create a legal problem or justify their resolution. The reality of a problem is a possible first step. It does not help to determine its authenticity.

The existence of facts, their density, their intensity, their generality, the instance or repetition to evoke do not create a legal problem or justify their resolution. It remains difficult to determine their content. The reality of a problem is a possible first step (but it can only be as a decoy). It does not help to determine its authenticity. How to check authenticity? Work should be undertaken to identify a methodology of revelation and reason. Is it related to the quality of players present or a particular structuring of their participation? For now, it can only be suspected. It assumes the Faith. And it is still an unstable project. For the same area, it may feel more or less confusedly in a forum but be totally absent in another. It can radiate in a country lacking in another.

All these issues should not be confused with those on the mastered speech and imposed speech (out of the linearity of the normal way of life of the Law) or the existence of heard in or conditional matters. They also have no connection with the study on the existence of two frameworks: the world of the "unreal reality" and the world of the "real reality".

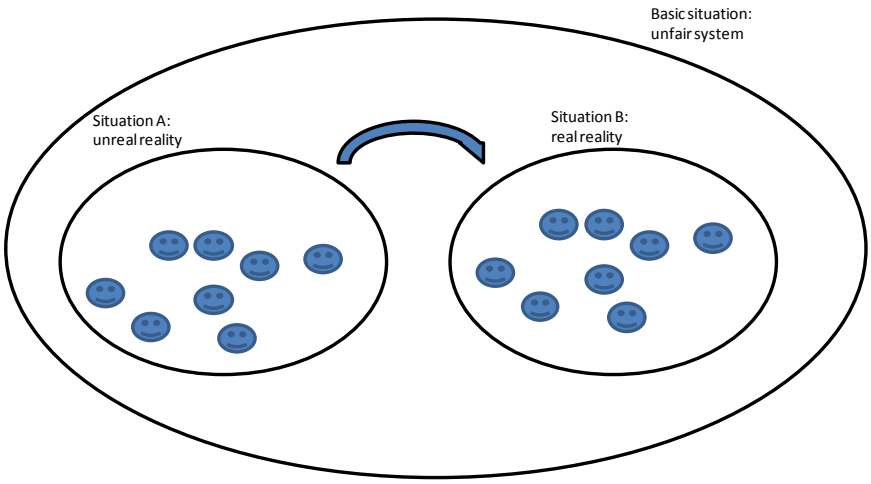


Figure 1: the context of law in Cameroon (example)

What remains is to identify ways or methods to verify authenticity. A work should be undertaken to identify a methodology of revelation and justification. Is it related to the quality of players present or a particular structuring of their participation? For now, it can only be suspected. It assumes the Faith. And it is still an unstable project. For the same way, it may feel more or less confusedly in a forum but may be totally absent in another. It can radiate in a country but lacking in another. The use of advocacy is not a barrier to finding the existence of a legal problem and its contents. It must be well built and "honestly" finalized. It is sometimes difficult to distinguish what is a strategy for which concerns the determination or the emergence of a real problem. Finally, the presentation of a caricatured fact does not prevent the statement of a real and useful rule. The problem is rather the ignorance of the context (strategy, hidden agendas, innuendos, etc.) and the refusal to disclose and to bridge it. This is an obstacle to writing a real and useful law.

## IV. The legislative process

The regulatory process must be renewed. There is need to imagine anew, especially, the role of civil society as far as the nature and the role of the policy instruments, guidance, monitoring and behavioral control are concerned.

### 1. The role of civil society

In addition, these advances are unfounded and therefore poorly constructed. For example, in opposite of current practice, the qualification of "civil society", spokesman of the local population, as well as its participation in the decision-making process must be renewed.

The participation of affected populations in the development of their rights and obligations facilitates the knowledge, understanding, application and deepening of these rights. It also guarantees the formulation and development of these rights. If structured and controlled, it may actually and effectively contribute to the standardization process as a "Pre-Law".

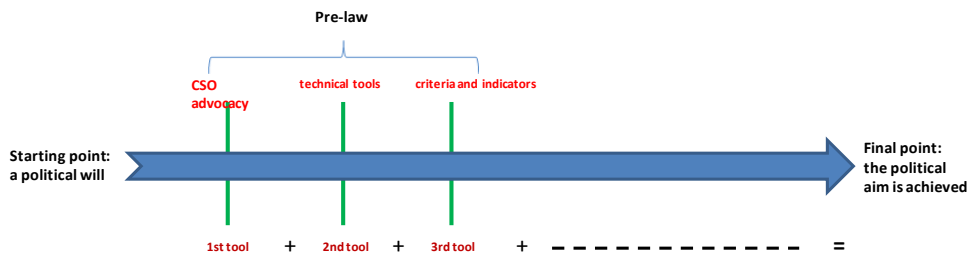


Figure 2: CSO institutionalization in the juridical process: the situation of pre-law

Better still, civil society could be understood clearly and strictly as "legislators bis", useful in the context of vulnerable states. This changes their real nature / status: funding, etc., as well as rules on transparency and the right to information. "Civil society" contributes effectively to the expression of the general interest. But are they really capable? How should they understand and structure their decisions and declarations?

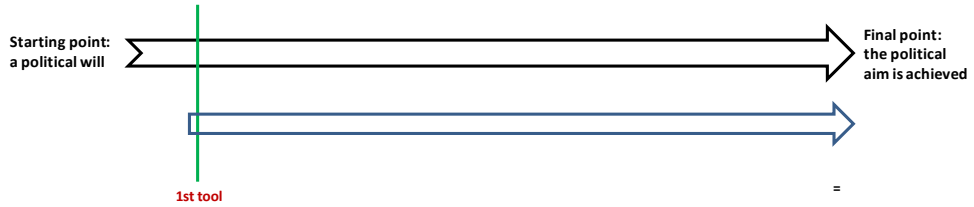


Figure 3: CSO institutionalization in the juridicial process: the situation of “legislator bis"

However, whether in the form of "pre-law" or "legislator bis", all is possible if only the advocacy is properly constructed.

## 2. Weak scope of advocacy

Listening to interventions and reading several recommendations, one would notice that advocacy suffers from several shortcomings. The main and most obvious is the lack of arrangement. Synthetically and without challenging their legitimacy, recommendations appear as a series of

claims raised without consistency nor finalized. There is neither hierarchy, even though the problem and action require thoughtful scheduling. In particular, some issues raised do not seem fully mastered, like participation or the regulation of customary systems. Either the question is completely unknown, or the issue is known but a solution has not been found, or the features of the problem and their variability are not fully identified and known yet. Despite this, some recommendations are made. In this context, it seems impossible and ineffective to make recommendations without scheduling in time and in space.

## 3. How to improve advocacy

Overall, it would be useful to train them in the regulatory art. It is not about training members of civil society to become lawyers but to inform them about the legislative process to which advocacy contributes (what is legal logic? How to write a text? Etc.). It is thus to improve advocacy and by so doing facilitate debate and the growth of the norm on general interest.

More specifically, it is essential, first to find out clearly what the objectives are. This enhances the readability of the claim and its legitimacy: equal rights and thus the securing of land, in the Cameroonian context the recognition of the pluralism of the land tenure, which can be effective only through particular participatory mapping. This creates room for further controversy. Well stated, the objective provides freedom in the determination of (rights and obligations, instruments, etc.) and allows the adaptation of these methods to local contexts (economic, cultural, social, etc.) and their variations. In this respect, to avoid any pitfalls, it is possible to set some key ways to achieve the objective, such as participation in land tenure security.

Everything cannot be achieved immediately. It is important to better detail the claims in future and thus develop a provisional timetable that would eventually be finalized and mastered. Exploiting the following table (table 1) may be useful for these purposes. The table aims to show how we can improve the quality of advocacy by: 1) better identifying objectives, 2) establishing a state of art, 3 using existing data to make more specific request in a better ways, and 4) integrating the parameter 'time' in advocacy.

[TABLE 1]

To understand these two last points and establish schedules, it is important to train the civil society (and their national and international public partners) in logic and legal strategy. The training could also include techniques of writing the law.

How do we evolve? When, and towards what direction? It is obvious that all the problems incurred by the players are not at the same level of knowledge, understanding and maturity. This begs the question whether in these conditions -even in times of ignorance- it is possible to propose a legal drafting. The answer is positive. But it is essential to identify and characterize flaws. The following table (Table 2) may be useful for this purpose.

[TABLE 2]

A synthesis of civil society practice will often fill the gaps.

This approach highlights the fact that everything cannot be achieved immediately. It is important to better detail the temporal claims and then develop a provisional timetable finalized and mastered. It does not pertain to an already drawn up schedule that is related to the difficulty of undertaking immediate political and legal large-scale reform (too slow and long).

This schedule is primarily based on the balance of power between stakeholders but also on the level of knowledge and mastery of the issues and the legal processes and discussion.

## 4. The nature and role of action, guidance, monitoring, behavior control tools

In the same way, it is important to reassess, redefine or restructure the commonly used tools in the REDD+ context. This is particularly to reform the system of contracts extraction and agreements, the use or exploitation of natural resources involving local populations, and acts that are fundamental in themselves with regard to the idea of "legislator bis". This plan should be founded on respect of human rights. This is capital otherwise there is a high risk of narrowing down concern to improving the form and content of the contract without any regard to the fundamental scope of the contract in the regeneration of the state and its law. Such a cantonment or abuse of the contract should be avoided. But is this risk real? Based on local law, is it not required to integrate the "environmental" contract in the process of reconstruction of the state? Is it still the only possible guarantee? Placing human rights at the center of action would require the restoration of respect and the development of the relationship between the state, the law and individuals. But all of this can still not be sufficient. It is essential to qualify and put this contract in the regulatory process. Thus, it is not simply a question of improving the quality of contract law but to insert it into a renewed general theory of law.

Generally, the state would define a political objective: securing land or other, and then pass a law or a regulatory measure to ensure the achievement of its objective.

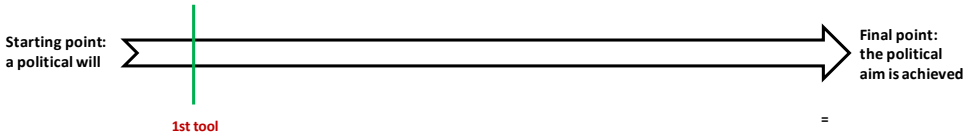


Figure 4: Common juridicial process (synthesis)

However, this very classical approach does not guarantee the achievement of policy objectives in the context of vulnerable countries or territories. A suitable process- draft submission- is being developed. This approach includes several tools including economic and management instruments. All these tools are gradually having the attributes of law: rationale, structure, typology among others. Many are already widely known while others are yet to be identified, clarified or supplemented.

The structuring of this renewed approach would be as follows. Once the policy is issued, targets set or problem stated, three phases or sub-assemblies would in succession lead to the achievement of the policy goal or solving the problem. There would be a first phase that will be qualified as Pre-Law consisting of technical elements associated with criteria and indicators. This will then be followed by formal elements would consist, strictly speaking, of a law, a contract and a certification. Finally, it will be necessary to adopt institutional elements: redevelopment of the sanction and the recognition and strengthening of powers and responsibilities of local authorities. Taxation would integrate different tools in this process, especially the contract and the sanction.

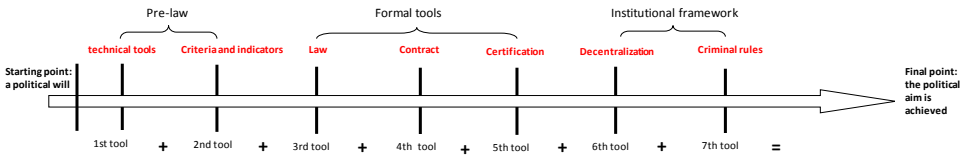


Figure 5: Draft of restructuration of legal process (synthesis)

This should not be misunderstood. The reconstituted right is not necessarily a natural linear sequence, mandatory and inevitable instruments.

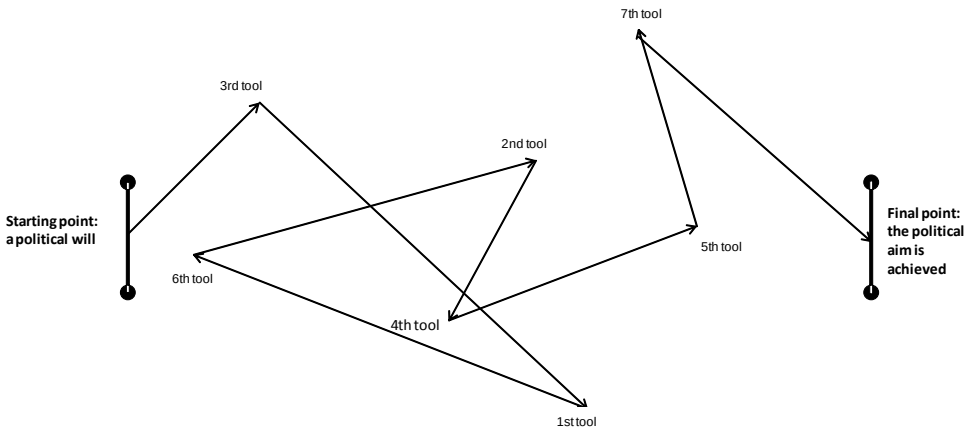


Figure 6: Structuration of legal process in Cameroon

This is a coherent, harmonious, integrated system with its various components facilitating the achievement of the real goal. There would be many possible structuring of the legal process[10].

## V. The objective to be achieved

All these comments and suggestions will be unnecessary if, ultimately, the real purpose of REDD+ policy is not reclassified or understood.

Indeed, any useful planning for the common good of the REDD+ requires clear and direct reaffirmation of the essential purpose of this policy, including the dispute without nuance or reconciliation of commonly assigned environmental or financial purpose. This objective is the strengthening of the rule of law and social justice (generally the state).

A ccomparison of the four R-PP Central African countries (Cameroon, DRC, CAR and Congo) shows that as opposed to its neighbours, Cameroon finalizes, renews, and updates measures, in accordance with its goal. In doing so, Cameroon demonstrates that, it knows and recognizes the current state of its legality.

Its goal is the full and definitive completion of the rule of law in the strictest sense. However, while remaining formally present and can be dominant or exclusive, this is not set as the actual context in determining the form and content of the actions. Along the way:

1 Time is given to achieve that state of law (which may be the suitable time? Can it be done in several steps? How would they succeed following a coherent and peaceful order?)

2 Complete freedom in determining how to achieve it is offered. It legitimizes the recourse to legal pluralism, establishing CSOs as second legislator, etc.

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[10] See in particular Sigrid Aubert, "La reconnaissance de la juridicité des relations que les hommes entretiennent entre eux à propos de la terre comme processus de sécurisation foncière. Application à la forêt malgache d'Ambohilero", in Etienne Le Roy (ed.), *La terre et l'homme*, (Paris: Karthala 2011), pp.1 *et sqq.*

Clearly, it is not placed within the hypothesis of delegation of the construction of its legality, neither in isolation or regulation in relation to other legal subjects.

This analysis is essential. Without it, there would often be a danger of reformulating according to the canons of the law. It does this while maintaining her own theory of law and its foundations.

In this context, a "REDD+ law" (ie a land law, forestry law or a forest law adopted as part of the REDD + policy) cannot be a law towards the development of all. It is mandatory because it is set as objective the achievement of justice, and therefore the society and the State. Finally, this law is not a "law". This is basically to restore the state and society. The law is so much more than legislation. It is the spiritual context, the policy manual, when the other instruments remain. It inspires the process (form and content) and there is the visible railing, the developer / terminal with a conscience, a will and purpose.

Thus, REDD+ allows Cameroon to affirm and act to rebuild a just and lasting legal reality. This could not be done without clearly revolutionizing her whole system. It could work well, carefully and consciously. This choice is apparently for herself.

## VI. Conclusion

The use of recommended and justified REDD+ policy does not necessarily imply legal reforms. It may legitimately rely on positive law. By cons, it clearly requires compliance with the rules set out here.

The construction of a real useful REDD+ policy to human development is possible. But it is a challenge also lethal to the lawyer.

The genius of the law or better his duty is to reaffirm its place and thinking skills, action and structure to serve the common good, by reinvesting the REDD+, ie in reclaiming this new public policy instrument and by rearranging and finally mainly by inserting it into a general theory of law adapted to forest vulnerable countries.