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Africa Regional Workshop

LEGAL AND REGULATORY CAPACITY BUILDING FOR CARBON TRADING & CDM INVESTMENT

28 - 29 September 2010
Nairobi (UN complex, Gigiri)

DAY 1	<p><i>Objective:</i> to build capacity and discuss options on how to strengthen domestic legal and regulatory frameworks to facilitate increased carbon market investment in African countries.</p> <p><i>Primary target audience:</i> Legal Advisors and Policy Directors working within CDM Designated National Authorities (DNAs) or other relevant ministries or agencies in charge of justice and governance, planning, environment, energy, finance, trade and investment. Also African law firms active in carbon market</p>	
TIME	SESSION	SPEAKER or FACILITATOR
08.30 – 09.00	Welcoming and registration	
09.00 – 09.30	Introductory remarks	<p>Mr. Arkadiy Levintanus <i>UNEP, Division of Environmental Law and Conventions, (DELIC)</i></p> <p>Mr. Erik Eriksson <i>Swedish Energy Agency (SEA)</i></p> <p>Dr. Todd Ngara <i>UNEP Risoe</i></p> <p>Mr. Glenn Hodes <i>ACAD Facility</i></p>
09.30– 10.45	<p>International Legal Frameworks for the Carbon Market & New Developments</p> <ul style="list-style-type: none"> - Development of CDM and carbon market under UNFCCC, Kyoto Protocol and Marrakesh Accords - Legal issues concerning post 2012 climate regime and carbon market, including possible Kyoto gap - Forest and agricultural sector carbon markets under the international climate frameworks 	Mr. Moritz von Unger <i>Climate Focus</i>
10.45 – 11.00	Networking Break (Coffee)	



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11.00 – 12.00	Insights from a Regulator <ul style="list-style-type: none"> - How CDM decision-making works - New procedures for appeals - Initiatives to reduce barriers to African CDM projects 	tbd
12.00 – 13.30	Lunch	
13.30 – 14.15	Developing a Host Country Legal Framework : a Case Study from Zambia	Ms. Lanette Chitti <i>Environment & Corporate Lawyer</i>
14.15 – 15.30	Regulating CDM Projects in Africa: Sharing Lessons and Good Practice <ul style="list-style-type: none"> - Identification of host country barriers and development of country-specific solutions - How to manage interagency coordination - Approval procedures - DNA financing (e.g., administrative charges) - CDM project portfolio monitoring, including sustainable development delivery - Outreach and stakeholder consultation 	Facilitator: Mr. Glenn Hodes <i>UNEP /ACAD</i> Panelists: Mr. Z. Boodoo <i>DNA, Mauritius</i> Mr. Larsey Mensah <i>Director, Division on Environmental Compliance and Enforcement, EPA, Ghana</i> Alassane Ba <i>Legal Advisor, DNA, Mali</i>
15.30 – 16.00	Networking Break (Coffee)	
16.00 – 17.30	Group Work : Improving Regulatory Structures in African host countries <ul style="list-style-type: none"> - Identification of key factors of enabling domestic policy, legal and institutional frameworks 	Facilitators: Ms. Cristina Zucca <i>UNEP DELC</i> Ms. Ina Engelbrektsen <i>STEM</i> Dr. Todd Ngara <i>UNEP Risoe</i>

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DAY 2	<i>Objective:</i> to build capacity on most prevalent contractual structures for CDM/carbon market investment transactions and how project proponents incorporate international and domestic legal issues into existing and new CDM implementation structures
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Primary target audience: African CDM project developers, law firms active in or interested in the carbon market, lawyers working within African financial institutions on due diligence and financial structuring of projects, including possibly CDM

TIME	SESSION	MODERATOR or FACILITATOR
08.30 – 9.45	Carbon project implementation in Africa: perspectives on legal and financial gaps <ul style="list-style-type: none"> - View of market gaps and bottlenecks - Review of experiences and typical transactions - ACAD experiences & lessons - Engagement of law firms in Africa, commercial issues, market needs - Impact of regional policies, including trade integration, foreign exchange, etc. 	Mr. Bernard Namanya <i>Twesigye & Namanya</i> Ms. Teni Majekodunmi <i>EcoXchange Ltd, Nigeria</i> Mr. Glenn Hodes <i>ACAD Facility</i>
9:45 – 10.45	Carbon Contracts <ul style="list-style-type: none"> - Carbon contracts and letters of intent: key terms, provisions & conditions - Key template documents - Risk mitigation mechanisms 	Mr. Paul Curnow <i>Baker & McKenzie</i> Ms. Ina Engelbrektsen <i>STEM</i>
10.45 – 11.00	Networking Break (Coffee)	
11.10 – 11.30	Case Study from South Africa <ul style="list-style-type: none"> - A real world example: Carbon Contracts and Property and Environmental Law Issues 	Andrew Guilder <i>Imbewu Enviro-Legal Specialists</i>
11:30 – 13:00	Lunch	Parallel lunch groups: <ul style="list-style-type: none"> • UNEP CDM Activities, including CD4CDM MEA • DELC • ACAD
13.00 – 14.15	Programmatic CDM – How is it different? <ul style="list-style-type: none"> - Taking into account domestic policies and laws (i.e. E+/E-) - Issues to consider in contracts, due diligence - Best practice to date, practical examples 	Dr. Soren Lütken <i>UNEP Risoe Center</i> Mr. Mauritz von Unger <i>Climate Focus</i>
14.15 – 15.15	Legal Issues around Structured Carbon Market Transactions <ul style="list-style-type: none"> - Typical financing structures & examples of required legal due diligence - Financial markets compliance 	Mr. Nick Magowan <i>Independent legal advisor, Standard Bank/ACAD</i>



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15.15 – 15.30	Networking Break (Coffee)	
15.30 – 17.00	Simulation & Group Exercise: Negotiating a Carbon Emission Reduction Purchase and Sale Agreement <ul style="list-style-type: none"> - Simulation and group exercise 	Paul Curnow <i>Baker & McKenzie</i> Glenn Hodes <i>UNEP/ACAD</i> Ina Engelbrektsen <i>STEM</i>
17.00 – 17.30	Discussion & Closing Remarks <ul style="list-style-type: none"> - How to better engage law firms - Closing Remarks 	Mr. Erik Eriksson <i>Swedish Energy Agency</i> Mr. Peter Aquah <i>Deputy Director, UNEP, Regional Office for Africa</i>



ACP MEAs

