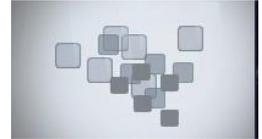




global witness



Nord - Sud XXI



Organisation Non Gouvernementale des Droits de l'Homme

International-Lawyers.Org
A Swiss NGO - Working for a World Order
Respecting International Law



Rainforest Foundation UK - Rainforest Foundation Norway – FERN – ClientEarth – Climate Justice Programme - Forest Peoples Programme – Third World Network - Nord-Sud XXI - International-Lawyers.org – Global Witness – Friends of the Earth US – Friends of the Earth Norway – Friends of the Earth Switzerland

CIVIL SOCIETY SUBMISSION TO THE AWG-LCA

Views on modalities and procedures for financing results-based actions and considering activities related to decision 1/C.P.16, paragraphs 68, 69, 70 and 72

March 2012

Introduction

This submission is made by Civil Society Organizations in response to paragraphs 68 and 69 of the Durban LCA outcome and considers various funding options that could be employed for identifying, incentivising, and financing performance, which would lead to reducing forest degradation and deforestation. We outline the modalities for assessing performance around governance, rights and safeguards; appropriate sources of finance for REDD+ activities; and assess availability of finance. Pages 10 to 17 provide a useful series of Annexes which outline how the REDD+ safeguards relate to the Durban decision and also to existing international obligations.

The Cancun decision on REDD+ emphasizes payments for 'results-based actions.' It will therefore be necessary for governments to focus on a broad range of measures that lead to results in the form of permanent reductions in forest loss and associated emissions. It is widely recognised that to reduce forest loss, improving forest governance and strengthening and clarifying tenure rights of indigenous peoples and local communities is essential.¹ Finance should therefore be targeted at improving forest governance in all phases, with a focus on strengthening tenure rights of indigenous peoples and communities to land. Due to widespread concerns including the shortfalls and risks associated with emission baselines and carbon trading, including the risk of 'hot air',² incentives should not be awarded for results determined as quantified

¹ See: Forest governance and climate change mitigation. A policy brief prepared by ITTO and FAO; 2009; Chomitz, K. (2007) At Loggerheads? Agricultural expansion, poverty reduction, and environment in the tropical forests. Washington DC, The World Bank.

² 'Hot air' refers to emission reduction credits being generated which are not additional. If sold as an offset on a carbon market, such credits lead to an increase in global emissions.

emission reductions, and to avoid a misallocation of resources, any indicators used for carbon measurement should be kept simple and cost-effective.

To finance governance improvements, funds will have to come from a variety of public and private sources. It is unlikely that a forest carbon market at the scale required will materialise in the foreseeable future and if it were to, evidence suggests that such a market would not contribute to reducing forest loss. One group of financial experts conclude that the outcome of using carbon markets to finance REDD “...is likely to be a drain of resources, both in terms of money and time, away from the very serious problems REDD seeks to address.”³ Therefore funds will have to come from other public and/or private initiatives and performance modalities should be targeted to a range of finance sources, rather than tailored to meet the needs of a carbon market.

Central to the design of modalities and procedures for financing REDD+ is a recognition that improving forest governance, which will lead to effective implementation of social and environmental standards and laws; respect for rights of indigenous peoples and local communities; and the protection of biodiversity, will be critical to achieving the desired results of reducing deforestation and forest degradation. Good forest governance is characterized, among other things by the level of coordination, accountability, and transparency of the government institutions and by the ability of non-governmental actors in and around forest areas to be represented and / or participate directly in decision-making processes that impact forests and forest land use in an equitable manner.⁴

It should also be recognised that with any finance mechanism, an effective system for information on safeguards implementation will be crucial to continue to facilitate the generation of the required levels of REDD+ finance. In this respect it is important to note that the Swiss-Philippines initiative on a governance framework for REDD+ finance recommends that “REDD+ payments should cover implementation and monitoring of environmental, social and governance safeguards.”⁵

Assessing performance

To achieve results in terms of reduced deforestation and forest degradation, governments will need to focus on a broad range of institutional and legal reform in the land use sector as a means of achieving the end objective. This will require a broad definition of ‘performance.’ Paying for emission reductions measured against a baseline will be insufficient to achieve the objective of reducing forest loss. Finance needs to catalyse the structural change, policy and legal reform and long-term strategic planning necessary to address the drivers to deforestation and degradation.

Forests are more than carbon. Creating an incentive system through REDD+ based on paying for quantified carbon emissions is likely to create perverse incentives. It is important that fast-start and longer term REDD+ finance is used in the most cost effective and efficient manner. ‘Results-based actions’ should be determined via indicators that directly contribute to the cost-effective realisation of the objective of “slowing, halting and reversing forest cover and carbon loss.” Improved forest governance and the effective implementation of social and environmental standards including respect for rights of indigenous peoples and local

³ The Munden Project (2011) REDD AND FOREST CARBON: Market-Based Critique and Recommendations p.24.
<http://www.mundenproject.com/forestcarbonreport2.pdf>

⁴ WRI defines forest governance as comprises the following five elements: 1. Transparency: open actions which can be scrutinized by rights holders and stakeholders; 2. Participation: ensuring diverse and meaningful participation in government policy by non state actors; 3. Accountability: clarity about the role of various institutions in decision-making and whether they are held accountable; 4. Coordination: how those involved work toward common objectives on forests; 5. Capacity: a government’s role in giving public access to decision-making, as well as the ability of civil society to make use of this. The four key issues that forest governance impacts are: 1. Forest tenure: the broad spectrum of ownership, use, access and management rights to forests. 2. Land use planning: the multi-stakeholder process to determine optimal land uses that benefit current and future generations, given the economic and social conditions of an area. 3. Forest management: the management and control of various different forests uses, including those associated with conservation and ecology, community, resource extraction and conversion for agriculture, infrastructure, or other economic activities. 4. Forest revenues and incentives: collection and management of revenues from forests; benefit sharing. From: The Governance of Forests Toolkit; WRI; September 2009

⁵ Towards Building a Governance Framework for REDD-Plus Financing, Policy Brief presented by Switzerland and the Philippines, December 2011

communities and protection of biodiversity, will be critical to achieving this objective. Hence, these indicators should focus on forest governance (including institutional and legal) reform and performance in implementing the Cancun REDD+ safeguards.

In order for the international community to have the confidence to provide financial support for reducing forest loss, it will be necessary to identify, monitor, assess and incentivise ongoing performance, which will lead to the desired results: *“to slow, halt and reverse forest cover and carbon loss.”*⁶ For this purpose it is critical to agree on an indicative list of performance elements, proxies and indicators which allow for the assessment of progress towards these results.

Monitoring performance

The collection and assessment of data to monitor the performance of actions to reduce deforestation and forest degradation and resultant emissions should be participatory, engaging inclusive national multi-stakeholder platforms. It is essential to support these platforms to ensure the effective development and implementation of national forest related strategies and REDD+ itself. It is also necessary to enable assessment of performance during various stages of the activity's implementation up to the point where objectives are achieved and can be demonstrated. This is recognized by Costa Rica in its R-PP, which states that data should *“record the activities that are executed within the REDD+ strategy, to monitor whether they are being implemented as planned, and assess whether they are leading to the expected results”*.⁷ Costs for implementers can be reduced by identifying and selecting information that is already being generated. In many cases the relevant data (on non carbon indicators) is being generated by a variety of government and non-government sources, however is not being compiled and distributed in an effective manner for use by each country's REDD+ process.

Using the Safeguards Information System to Facilitate Performance Payments

National REDD+ strategies and action plans must address the REDD+ safeguards.⁸ In addition, other issues critical to success should be addressed including the drivers of deforestation such as poor forest governance, unclear tenure rights, consumption patterns and gender equity. In this context, it should be noted that the Durban LCA outcome requires that:

“...for developing country Parties undertaking results based actions⁹.....to obtain and receive results-based finance.....should have the elements referred to in decision 1/CP.16, paragraph 71”.¹⁰

One such element included in paragraph 71 of the Cancun Agreements is the development of a system for providing information on how the safeguards are being addressed and respected. Therefore, as a precondition to the provision of results based finance, each developing country Party must develop a Safeguards Information System (SIS) which provides clear evidence that the safeguards are being addressed and respected. This can be used as information that will demonstrate performance for the provision of finance. It could also be used to request support through the Registry for mitigation actions requiring international support. Paragraph 46 of the Durban LCA outcome reinforces the need for information on implementation and non-carbon benefits to facilitate finance and stipulates that developing country Parties should submit to the Registry information on ‘indicators of implementation’ and ‘other relevant information, including the co-benefits for local sustainable development.’¹¹ (See Annex 1 for further information on how

⁶ 1/CP.16;

⁷ Costa-Rica (RPP) (August 2010) http://www.forestcarbonpartnership.org/fcp/sites/forestcarbonpartnership.org/files/Documents/PDF/Sep2010/R-PP_Costa_Rica_English_08-19-10.pdf

⁸ Safeguards referred to in Appendix I of the Cancun Agreements

⁹ In accordance with decision 1/CP.16, appendix II;

¹⁰ Para 64, http://unfccc.int/files/meetings/durban_nov_2011/decisions/application/pdf/cop17_lcaoutcome.pdf

¹¹ Para 46, http://unfccc.int/files/meetings/durban_nov_2011/decisions/application/pdf/cop17_lcaoutcome.pdf

provisions in the Durban LCA outcome on reporting, review and analysis relate to the REDD+ safeguards and the SIS).

Payments for performance focused only on a narrow set of success criteria such as carbon abatement would be counter-productive to achieving the intended results of slowing, halting and reversing forest cover and carbon loss. Moreover it could exacerbate land conflict and poverty and threaten rather than protect biodiversity and natural forests. Making progress on the necessary social, environmental and governance reforms will reduce these risks. Providing reliable evidence on this progress by demonstrating performance in safeguards implementation through the SIS will be key. Therefore, in order to achieve the intended results, payments for performance should focus on improving forest governance and fully integrate environmental and social safeguards

Respecting existing obligations

The Cancun REDD+ safeguards represent human rights, environmental, and governance objectives that are already included in a number of international and regional legal instruments of which many REDD+ countries are committed to uphold. Thus, if they are not currently complying with these obligations, REDD+ countries will need to take the necessary measures to ensure these obligations are respected when implementing REDD+ activities. The adoption and provision of a safeguard system cannot be separated from the necessary policy actions required at the national level to align national legislation to international obligations and standards. Any safeguard system and related information tools will have to be anchored to the highest standards on human rights and indigenous peoples rights, such as those contained in the UN Declaration on the Rights of Indigenous Peoples (UNDRIP).

Information related to national level policy and legal reform could most effectively be based on 'performance indicators' (see Annexes 2-5 of this document which outline existing obligations under other relevant agreements that could be used to assist with developing such indicators). Such an approach would assist all stakeholders and rights holders to identify gaps and needs to overcome obstacles to the full and effective implementation of national strategies to effectively reduce forest degradation and deforestation. These obstacles include governance and legal gaps that would require reform and such a process could build on lessons learned from negotiating and implementing national strategies to combat illegal logging such as that under the European Union's FLEGT Action Plan.

Tools to Elaborate Performance Benchmarks

There is a wealth of economic analysis concluding that the various approaches to determining baselines or "reference levels" cannot reliably determine future deforestation (and degradation) rates.¹² There is a risk of performance being artificially generated by overinflated and/or politically negotiated baselines, leading to risks of 'hot air' and windfall effects, or of not rewarding genuine efforts, all of which undermine the objectives of REDD+ to contribute to climate mitigation, and risk increasing GHG emissions. A more pragmatic approach would be to counteract the shortfalls and risks associated with carbon baselines by defining performance criteria which focus on indicators of governance, performance in implementing the Cancun REDD+ safeguards and institutional and legal reform. Generic guidance and frameworks for elaborating performance indicators developed at international level would assist to ensure a level playing field among countries. Given the differences in national contexts and circumstances, country-specific indicators will need to be developed through inclusive, participatory multi-stakeholder national processes.

¹² See: Combes Motel, et al (2009) A methodology to estimate impacts of domestic policies on deforestation: Compensated Successful Efforts for "avoided deforestation" (REDD). Ecological Economics, Vol 68 3, pp 690-691; Karsenty (2009) What the (carbon) market cannot do... CIRAD Perspectives; Karsenty and Pirard (2009) 'Climate Change Mitigation: Should "Avoided Deforestation" Be Rewarded?' Journal of Sustainable Forestry, 28; Pirard (2008) The fight against deforestation (REDD): Economic implications of market-based funding, IDDRI.

There are a number of existing tools and initiatives that can be drawn on to develop international guidance and frameworks as well as country-specific indicators with respect to governance and legal reform and social and environmental safeguards. These include:

1. the FAO/World Bank Framework for Assessing and Monitoring Forest Governance;¹³
2. the UN-REDD/Chatham House draft Guidance for the Provision of Information on REDD+ Governance;¹⁴
3. the WRI Governance of Forests Initiative;¹⁵
4. the REDD+ Social and Environmental Standards;¹⁶ and
5. Initiatives to develop indicators for community-based monitoring, for example the Tebtebba initiative to develop community monitoring tools on REDD+ safeguards for indigenous peoples¹⁷.

In addition, the Secretariat of the Convention on Biological Diversity (CBD) has initiated a process on biodiversity aspects of REDD+ in response to CBD and UNFCCC Decisions. The CBD is assessing the application of relevant safeguards for biodiversity in the context of REDD+ and is seeking to identify possible biodiversity indicators to assess the contribution of REDD+ to achieving the objectives of the CBD. Meanwhile, UN-REDD is developing guidance and tools for monitoring ecosystem-based multiple benefits, including biodiversity,¹⁸ and the Office of the High Commissioner on Human Rights framework proposes structural, process and outcome indicators as a tool aimed at assessing the steps being taken by States in addressing their human rights obligations. In this context, indicators under development for monitoring the situation concerning indigenous peoples and the implementation of UNDRIP are of particular relevance to the social safeguards¹⁹ and their use should be prioritised.

To assist in identifying relevant measures, or for the development of international guidance and performance indicators for assessing implementation of the REDD+ safeguards we provide examples of 'implementation measures' required of REDD+ countries that are Parties to other international conventions and agreements in Annexes 2-5. In addition, Annex 3 describes what performance indicators should serve to achieve in relation to the rights of indigenous peoples'.

Cost effectiveness

It is particularly important that the already committed fast-start and longer term REDD+ finance is used in the most cost effective and efficient manner to reduce forest loss and that sources of long term finance do not increase the costs of implementation.

The costs of carbon monitoring and measurements rise exponentially with increasing accuracy requirements, and it is apparent that measuring carbon is already the dominant cost factor in project development.²⁰ Existing 'avoided deforestation' project calculations frequently include use of default figures rather than direct measurements over time and where on-site measurements of proxies are used to determine carbon content in the project area accuracy has been compromised in order to make carbon accounting affordable

¹³ <http://www.fao.org/docrep/014/i2227e/i2227e00.pdf>

¹⁴ http://www.unredd.net/index.php?option=com_docman&task=doc_download&gid=5336&Itemid=53

¹⁵ World Resource Institute, Imazon and Instituto Centro de Vida <http://www.wri.org/project/governance-of-forests-initiative>

¹⁶ Community, Conservation and Biodiversity Alliance and CARE International <http://www.redd-standards.org/the-standards>

¹⁷ Workshop II of Indigenous Peoples and Supports NGOs on the Development of Indigenous- Sensitive and Gender- Sensitive Monitoring / Reporting / Information Systems on REDD+ Safeguards, CJD Bonn, Germany 11-12 June 2011

http://www.indigenousclimate.org/index.php?option=com_docman&task=cat_view&gid=100&Itemid=&lang=en

¹⁸ UNREDD/PB7/2011/11 Support to National REDD+ Action: Global Programme Framework 2011-2015, 9 August 2011

¹⁹ Report of the international technical expert meeting on "Keeping track – indicators, mechanisms and data for assessing the implementation of indigenous peoples' rights", 20-21 Sept 2011, E/C.19/2011/11, Economic and Social Council, Permanent Forum on Indigenous Issues Tenth session New York, 16-27 May 2011

²⁰ The Munden Project (2011) REDD and Forest Carbon, p.9. <http://www.mundenproject.com/forestcarbonreport2.pdf>

for the project proponents.²¹ Error bars of 50% or more are not uncommon,²² with 30-40% being the average range of uncertainty from measuring land-use change emissions in EU countries.²³ The proposal that ‘uncertainties can be dealt with through conservative accounting’ is called into question in light of the scale of uncertainties that arise in forest carbon accounting. The level of accuracy in measuring carbon stocks and fluxes from land based emissions falls short of the level of accuracy expected to confidently trade an asset in a global compliance market and further investment in improving the precision of measuring forest carbon represents a resource drain away from the actions and policies needed to tackle forest loss.

As mentioned above, the setting of emissions baselines remains an unresolved issue for REDD+ as deforestation and degradation are multi-causal and highly variable from year to year and from region to region. All of the approaches put forward fail to adequately address the ‘counterfactual scenario’ (determining what would have happened in the absence of REDD+ policy approaches and incentives) against which reductions would be measured. A range of actors have acknowledged the inefficiency of this approach,²⁴ with McKinsey predicting that the inability to determine additionality could “increase payment by a factor of between 2 and 100 times.”²⁵ Approaches which avoid the baseline problem such as performance benchmarks based on the direct policies and actions which will be needed to reduce deforestation and forest degradation represent a more cost-effective and efficient approach to accessing public and private sector finance.

There is therefore a clear need for more direct and simple methods to determine reductions in forest loss and associated emissions. For national forest monitoring and reporting purposes there are low-cost options for forest monitoring using enhanced national and international forest monitoring combined with suitable proxy measures to indicate carbon. Proposals include developing a matrix approach based on remote sensing data detecting changes to land-use categories,²⁶ using proxy indicators such as expansion of roads and commitment to sustainable development policies to determine the level of performance.²⁷ Such methods can provide forest carbon data which is sufficient and in combination with the performance indicators referred to above, can provide proof of results for donors that do not require the significant costs associated with the complex approach of measuring emission reductions against a baseline (required primarily to justify a forest carbon market), and does not divert limited resources away from addressing the underlying causes of forest degradation and deforestation.

Sources of finance for different REDD+ activities

It was agreed in Durban that REDD+ will require appropriate finance from both public and private sources. The modalities and procedures associated with any financial arrangements will have important implications for the effectiveness of addressing deforestation and degradation in a manner which is fair and contributes to poverty elimination within forest communities. The need to incentivise financial flows must be carefully considered in terms of the obligations and expectations that are placed on forest dependant peoples. Any financial arrangement must be thoroughly and carefully negotiated with forest peoples through free, prior

²¹Densham, et. al. “Carbon Scam: Noel Kempff Climate Action Project and the Push for Sub-national Forest Offsets.” 2009. Amsterdam, Greenpeace International

²² KINTISCH, E. (2007) IMPROVED MONITORING OF RAINFORESTS HELPS PIERCE HAZE OF DEFORESTATION. SCIENCE. VOL 316, 27 APRIL, PP 536-537

²³ EUROPEAN COMMISSION, Directorate-General Climate Action. Summary Report on the work carried out by European Climate Change Programme (ECCP) group on Climate Policy for Land Use, Land Use Change and Forestry (LULUCF) DRAFT 3, SEPTEMBER 2010.

²⁴ See, among others: The Carbon Trust (2008) Global Carbon Mechanisms: Emerging lessons and implications; The Munden Project (2011) REDD and Forest Carbon; Karsenty (2009) What the (carbon) market cannot do... CIRAD Perspectives.

²⁵ Gregersen H, El Lakany H, Karsenty A, White A, (2010) “Does the Opportunity Cost Approach Indicate the Real Cost of REDD+: Rights and Realities of Paying for REDD+” Rights and Resources Initiative, CIRAD.

²⁶ See: Bucki et al, The matrix approach - a pragmatic solution for rapid REDD+ implementation, in print, *Environmental Research Letters*; Bucki and Grassi (2011) The REDD+ Matrix: Pragmatic solutions for RL in the early phases of REDD+

http://unfccc.int/files/methods_science/redd/application/pdf/sbsta_expert_workshop.pdf

²⁷ See Greenpeace position on reference levels for REDD, April 2011. www.greenpeace.org/international/en/publications/reports/Greenpeace-position-on-Reference-Levels-for-REDD

and informed consent (FPIC) and fit within a national land use planning exercise inclusive of all stakeholders and rights holders.

In the current REDD+ debate the amount of money required has been the primary focus, often without a clear indication of what the money should be used for. Previous attempts to halt deforestation and forest degradation have however shown that the key requirement is not money, but a clear action plan to address the underlying drivers of forest loss coupled with sufficient political will to implement the plan. Developing a realistic estimate as to how much money is actually needed is necessary and requires national and international level discussions to achieve agreement on the causes of deforestation and forest degradation and how much it would cost to develop and implement a concrete action plan to address them.

Fast-start finance

Approximately 8 billion USD has been reported as pledged for REDD+ for the period 2010-2013.²⁸ This is currently the greatest source of finance for REDD+, dwarfing the voluntary carbon market. Ensuring the money pledged is used effectively and in the most cost-efficient manner will go a long way to establishing and supporting successful policies to reduce deforestation and forest degradation.

Private sector involvement

The role of private sector involvement aside from as buyers or sellers of carbon credits has generally been neglected in the REDD+ discussions. More serious consideration is needed of the role that the private sector could play in a national REDD+ strategy, with their engagement more likely to be conducive to achieving REDD+ objectives once improvements in governance and political will to achieve real change are in place. If the private sector is to play a constructive role in REDD+ it must share in the responsibility to ensure developments resulting from activities do not exacerbate deforestation and forest degradation and of critical importance, does not negatively impact the livelihoods of forest dependent communities.

The recent study on gaps and overlaps in financing for the REDD+ Partnership emphasized that drivers must be dealt with early if REDD+ is to be successful, and that it is vital to understand who will address them and how. A priority for private sector engagement in REDD is for discussions on how to avert the activities that degrade forests, including deforestation. This includes activities from the agriculture, mining and timber industries, as well as addressing commodity supply chains, including any international processing and ultimate retail demand for resultant products.

REDD+ in the global carbon markets and alternative sources of finance

In addition to the problems of lack of additionality when determining emissions baselines as outlined above, global carbon markets do not deliver climate justice – a just solution to the climate crisis would not see industrialized countries meet their emission reduction obligations by buying REDD credits in the global South. This enables industrialised countries to continue with a CO₂-intensive industry, whilst benefiting from the ‘low-cost’ emission reductions in developing countries. In line with the principle of common but differentiated responsibilities, Annex I countries need to achieve substantial emission cuts domestically.

In addition, there is currently no carbon market that accepts REDD+ credits for compliance purposes. The EUETS is 97% of the global carbon market, and has ruled out the inclusion of forest carbon until at least 2020.²⁹ The latest data on the compliance carbon market shows an overall stagnation and decline.³⁰ At a

²⁸ <http://reddplusdatabase.org/>

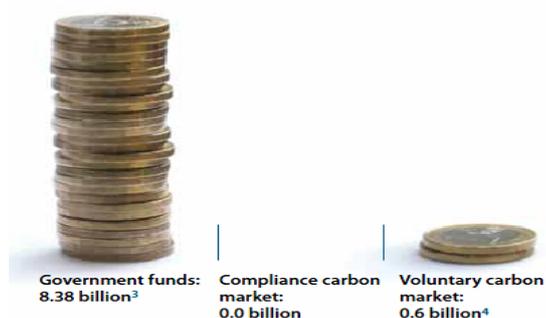
²⁹ European Commission: Questions and answers on use of international credits in the third trading phase of the EU ETS. http://ec.europa.eu/clima/policies/ets/linking/docs/q_a_20111114_en.pdf

³⁰ State and Trends of the Carbon Market 2011. http://siteresources.worldbank.org/INTCARBONFINANCE/Resources/StateAndTrend_LowRes.pdf

time when many governments are pinning their hopes for REDD+ finance on carbon markets the reality is that many banks have closed or downsized their carbon trading desks (e.g. Bank of America, ABN Amro, UBS Warburg and Credit Suisse).

To date, all trade in forest carbon has happened on the voluntary market, which is a very small proportion of the carbon market. In 2011, the global carbon market was valued at \$1.42 billion with the voluntary market valued at \$424 million. While the market share of REDD+ credits on the voluntary market increased, it is still only worth \$124 million, accounting for just 0.02% by volume and 0.01% by value of the global carbon market.^{31,32}

Chart 1: Existing and expected finance for REDD 2010-2012



Fortunately, alternatives do exist which justify consideration and inclusion in the suite of options available for financing REDD+ including:³³

1. **Financial Transaction Tax (FTT)** - a micro-tax on financial transactions – as little as one hundredth of a percent – could raise US\$650 billion per year.³⁴ Although many adaptation and mitigation measures would need to be financed through such a fund if it ever materialised, a small proportion would provide sufficient funding required to reduce deforestation and degradation. The European Commission and many European governments, including Germany and France, already support the FTT, and research from economic institutions including the International Monetary Fund (IMF) has shown it to be technically feasible.³⁵
2. **Lost revenue** - If government spending priorities were brought in line with their climate change policies, money would also become available for forest projects and activities to address the drivers of deforestation and forest degradation. Public funds used to address illegal logging could result in increased revenue for developing country governments to tackle deforestation and degradation. The World Bank (WB) estimates that illegal timber may comprise over a tenth of a total global timber trade worth more than US\$150 billion a year.³⁶ More funding and political support to address illegal

³¹ Ibid

³² For Chart 1: Figures for government funds taken from <http://reddplusdatabase.org/>. VCM figures taken from www.forest-trends.org/documents/files/doc_2828.pdf Pages iv and v. REDD accounts for 33 per cent of the US\$414 million over the counter voluntary market in 2010. Figures multiplied by three to give estimated figures for 2010-2012.

³³ For more information about these alternatives and others see: Assessing the Alternatives - Financing Climate Change Mitigation and Adaptation in Developing Countries <http://www.stampoutpoverty.org/?lid=10939>

³⁴ There are a range of estimates associated with this figure, and the revenue potential of financial transaction taxes depends on the tax rate, on applicable currencies, on the turnover on the financial markets subject to taxation as well as on the impact of the tax on trading volumes. For further resources see: <http://robinhoodtax.org/> and: Schmidt (2008) The Currency Transaction Tax: rate and revenue estimates. United Nations University, War on Want, and The North-South Institute/l'Institut Nord-Sud. <http://www.stampoutpoverty.org/?lid=10738>; Schulmeister, Schratzenstaller, Picek (2008) A General Financial Transaction Tax: Motives, Revenues, Feasibility and Effects. Austrian Institute of Economic Research. [http://www.wifo.ac.at/www/servlet/www.upload.DownloadServlet/bdoc/S_2008_FINANCIAL_TRANSACTION_TAX_31819\\$.PDF](http://www.wifo.ac.at/www/servlet/www.upload.DownloadServlet/bdoc/S_2008_FINANCIAL_TRANSACTION_TAX_31819$.PDF)

³⁵ See: World Bank Group, IMF, OECD. Mobilizing Climate Finance: A Paper prepared at the request of G20 Finance Ministers, September 19, 2011; and: IMF (2010). A Fair and Substantial Contribution by the Financial Sector, Final Report for the G-20: www.imf.org/external/np/g20/pdf/062710b.pdf.

³⁶ OECD, OECD Environmental Outlook (Organisation for Economic Co-operation and Development, 2001), p122.

logging would therefore go a long way to keep forests standing and provide funds to developing countries.

3. **Redirected subsidies** - In comparison to the global annual military budget (US\$1.6 trillion) or the US annual military budget (US\$700 billion) the amount needed to finance REDD+ is relatively low and its potential contribution to peace and security within and between States will be a significant return on any investment. Further, developed countries currently spend between \$57 and \$100 USD billion each year propping up the fossil fuel industry through government subsidies. World leaders at the G20 summit in 2011 pledged to phase out subsidies for fossil fuels. Subsidy shifts should target producer subsidies, which largely benefit wealthy oil corporations in the North and not consumer subsidies which focus on improving energy access in poorer countries.³⁷

When weighing policy options, it is essential to assess whether a more direct regulatory measure would actually be the most cost effective way to achieve the desired outcomes for REDD+.

Governance of Finance

The governance of the finance mechanism itself, including transparency, accountability, participation, effectiveness, efficiency and equity,³⁸ will be an important element in determining the cost effectiveness and impact of REDD+ finance. Theft and misappropriation of REDD+ funds is a very real risk, but can be reduced by tying funding to finance designed to support national implementation, including the reform of institutions and the legal regime at the national level (such as investing in new land tenure regimes and reform of land-use strategies). There is a need for effective oversight of REDD+ funds including transparent, participatory and effective institutional structures and strengthening institutional capacity to absorb, process and disperse REDD+ funds effectively and equitably. An international fund used to finance investment in sectoral and extra-sectoral policies and measures would have the flexibility to allow performance assessed against a range of policy implementation indicators.

Conclusion

In conclusion, we would like to underline the importance of defining performance for results based actions in REDD+. Actions to reduce deforestation and forest degradation encompass, as a matter of necessity, a broad range of legal and institutional reforms. The majority of REDD+ countries will require financial and political support in order to achieve equitable and lasting results in reduced deforestation and forest degradation. Diverting financial resources away from the underlying causes of forest degradation and deforestation and focusing only on results based payments defined in terms of quantified emission reductions measured against baselines is highly likely to result in the ultimate failure of REDD+ as deforestation and forest degradation will continue. Shifting the primary focus of financing of REDD+ to performance and results concerning a range of governance, social and environmental outcomes is significantly more likely to lead to reducing forest loss and thereby sustainable, effective, equitable and cost efficient emission reductions.

³⁷ From: Horner (2011) State of the forest carbon market: A critical perspective. Friends of the Earth US.

http://iibcloud.s3.amazonaws.com/93/a1/9/872/State_of_the_forest_carbon_market_a_critical_perspective_2011.pdf

³⁸ See pillars and principles of good governance outlined in the UN-REDD/Chatham House draft Guidance for the Provision of Information on REDD+ Governance

ANNEX 1

Durban Decision relates to	Relevance to the REDD+ safeguards and SIS
Guidelines were adopted for the preparation of biennial update reports by developing country Parties (more specifically, for Non-Annex I Parties).	<i>How to report on the safeguards</i>
	<p>Developing country Parties seeking to implement REDD+ activities are to report on how the safeguards are addressed and respected through a summary of information that should be provided periodically and be included in national communications or communication channels agreed by the COP.</p> <p>If the COP decides that the summary of information will be provided through biennial update reports, then the guidelines adopted in Durban for biennial reports would apply. What would also apply is the timing for biennial updates reports, which means the first report would be due in December 2014 and after that reports would be submitted every 2 years.</p>
Registry of developing countries mitigation actions seeking international support	<i>The information that can be included in the registry to seek international support could include information on the safeguards and SIS</i>
	<p>At COP16 Parties decided to set up a registry to record nationally appropriate mitigation actions seeking international support, to facilitate the matching of financial, technical and capacity building support.</p> <p>The Durban Decision invited developing country Parties to submit information on individual nationally appropriate mitigation actions seeking international support, including estimated emissions reductions, other indicators of implementation, and other relevant information such as co-benefits for local sustainable development.</p> <p>Information on “other indicators of implementation” could include information on benefits derived from safeguards and SIS implementation. Therefore, guidance on the SIS should include a reference to this process, so that developing country Parties may use the information compiled for the SIS to request international support through the Registry.</p>
International consultation and analysis (ICA) of biennial update reports from developing countries	<i>International review of information on how safeguards are addressed and respected</i>
	<p>At COP16, it was decided that a process for ICA of biennial update reports will be conducted by the Subsidiary Body for Implementation (SBI), in order to increase transparency of mitigation actions and their effects.</p> <p>As the COP still needs to decide on how to report on the safeguards (e.g. in national communications or communication channels agreed by the COP), if the COP decides that biennial update reports by developing country Parties might be a channel, then the ICA would apply to the summary of information that developing country Parties must submit on how the REDD+ safeguards are addressed and respected.</p>

<p>Guidelines were adopted for the preparation of biennial reports by developed country Parties.</p>	<p><i>Information reported by Annex II Parties on support for REDD+ safeguards would complement information provided under the SIS.</i></p>
	<p>Annex II Parties shall provide information on the provision of financial, technological and capacity-building support to non-Annex I Parties and should distinguish, to the extent possible, between support provided to non-Annex I Parties for mitigation and adaptation activities, noting capacity-building elements. Information is to be included on tracking the support, including on indicators used.</p> <p>Further, a work programme is to be developed under the SBSTA on development of a common tabular format for electronic reporting of information according to the reporting guidelines for developed country Parties with the view to adopting the format by COP 18;</p>

ANNEX 2³⁹

Safeguard (b): Transparent and effective national forest governance structures

Relevant provisions in other international and regional legal instruments:

- Provide legal recognition and take necessary measures to give effect to the rights to access to information.⁴⁰
- Establish and improve appropriate national institutions entrusted with the promotion and protection of the right to information.⁴¹
- Collect, compile, update, and distribute pertinent information from state institutions and relevant private bodies to the public.⁴²
- Promote awareness in the public at large of the importance of considering environment and development in an integrated manner, and establish mechanisms for facilitating a direct exchange of information.⁴³
- Develop or improve mechanisms to ensure public access to information and to facilitate the involvement of indigenous peoples, local communities, forest owners, and other relevant stakeholders in decision making at all levels.⁴⁴
- Eradicate mismanagement of public and private affairs, including corruption.⁴⁵
- Regularly assess and, as needed, improve the laws and regulations and the related institutional/administrative machinery at the national/state and local/municipal level that govern forest management, with a view to rendering them effective in practice.⁴⁶
- Develop and implement integrated, enforceable, and effective laws and regulations that are based upon sound social, ecological, economic, and scientific principles.⁴⁷
- Strengthen cooperation and cross-sectoral coordination among sectors affecting or affected by forest management.⁴⁸ Includes the integration of relevant cross-sectoral plans, programs, and strategies.⁴⁹
- Establish judicial and administrative procedures for legal redress and remedy of actions affecting the environment that may be unlawful or infringe on rights under the law. These should provide access to indigenous peoples, local communities, forest owners, and other relevant stakeholders with a recognized legal interest.⁵⁰
- Secure adequate financial resources for forest protection and conservation.⁵¹ Includes the development of financing strategies that outline the short-, medium-, and long-term financial planning for achieving sustainable forest management.⁵²
- Ensure adequate enforcement of forest-related laws, to combat and eradicate illicit trade practices over timber, wildlife, and other forest biological resources.⁵³
- Clarify and recognize the rights of ownership and possession of indigenous peoples, local communities, forest owners, concession holders, and other relevant stakeholders over lands and territories.⁵⁴

³⁹ Annexes 2-5 are based on the ClientEarth and World Resources Institute Submission to SBSTA: Lessons from International and Regional Instruments

⁴⁰ American Convention on Human Rights (art. 2); Universal Declaration on Human Rights (art. 19); Rio Declaration on Environment and Development (art. 10).

⁴¹ African Charter on Human and Peoples Rights (art. 26).

⁴² Rio Declaration on Environment and Development (art. 10); Agenda 21-Chapter 11 (art. 11.4(a)); Non-Legally Binding Instrument on all Types of Forests (art. 6(a)); Nagoya Protocol (art. 14).

⁴³ Agenda 21-Chapter 8 (art. 8.11 letter c).

⁴⁴ Agenda 21-Chapter 8 (objective 8.3) and Chapter 11 (article 11.4 letter c); Non-Legally Binding Instrument on all Types of Forests (article 6 letter W); American Convention on Human Rights (art. 2); MERCOSUR (art. 3).

⁴⁵ Agenda 21-Chapter 1 (art. 2.32).

⁴⁶ Agenda 21-Chapter 11 (arts. 11.2, 11.3) and Chapter 8 (art. 8.3. letter a, art. 8.17); Non-Legally Binding Instrument on all Types of Forests (Article 6 letter N, W).

⁴⁷ Agenda 21-Chapter 8 (arts. 8.13, 8.14); Non-Legally Binding Instrument on all Types of Forests (article 6 letter d).

⁴⁸ Non-Legally Binding Instrument on all Types of Forests (art. 6 letters K, N, L).

⁴⁹ Non-Legally Binding Instrument on all Types of Forests (art. 7 letter C); Convention on Biological Diversity (art. 6); Agenda 21- (Chapter 1 art. .34); MERCOSUR (article 3).

⁵⁰ Agenda 21 (Chapter 8 art. 8.18); UNDRIP (arts. 27, 28); North American Agreement on Environmental Cooperation (arts. 6 and 7).

⁵¹ Non-Legally Binding Instrument on all Types of Forests (art. 7 letter A).

⁵² Non-Legally Binding Instrument on all Types of Forests (art. 6 letter I, art. 7 letter C and G).

⁵³ Non-Legally Binding Instrument on all Types of Forests (Principle B, art. 6 letter N, art. 7 letter H and I).

ANNEX 3

Safeguard (c): Respect for the knowledge and rights of indigenous peoples and local communities

Relevant provisions in other international and regional legal instruments:

- Ratify and implement existing international conventions relevant to indigenous peoples and local communities.⁵⁵
- Adopt or strengthen appropriate policies and/or legal instruments that will protect indigenous rights, freedoms, and property, including the right to preserve customary and administrative systems and practices. This process should be undertaken with the participation of the indigenous peoples concerned.⁵⁶ Respect indigenous peoples customs and customary law, including their institutions and structures, such as judicial and administrative bodies or councils.⁵⁷
- Strengthen the active participation of indigenous peoples and local communities in the formulation of policies, laws and programs relating to forest management.⁵⁸ Carry out surveys and research on indigenous peoples and local communities knowledge of trees and forests and their uses to improve the planning and implementation of sustainable forest management.⁵⁹
- Establish or implement, in conjunction with indigenous peoples concerned, a process to adjudicate the rights of indigenous peoples pertaining to their lands, territories, and resources, and guarantee effective protection of their rights to ownership and possession. The process must give due recognition to indigenous peoples laws, traditions, customs, and land tenure systems.⁶⁰
- Develop or strengthen national arrangements to ensure that agencies and appropriate institutions and mechanisms exist to protect and fulfill the rights of indigenous peoples. It is essential to ensure that they have the means necessary for the proper fulfillment of the functions assigned to them.⁶¹
- Develop or strengthen mechanisms to ensure the active participation of indigenous peoples in decision-making processes at all levels and phases (formulation, implementation, and evaluation) that may affect the rights or freedoms of indigenous peoples.⁶² This includes obtaining from indigenous peoples concerned their free and informed consent prior to the approval of any action affecting their rights or freedoms.⁶³
- Provide effective mechanisms for the prevention of, and redress for, any action that violates or undermines the rights or freedoms of indigenous peoples and local communities, especially concerning their rights to ownership and possession of lands and territories.⁶⁴ Provide local communities with appropriate and effective grievance and dispute resolution mechanisms in order to enforce their rights,⁶⁵ particularly with regards to land claims.⁶⁶
- Provide access for indigenous peoples and local communities to forest resources and relevant markets in order to support livelihoods and income diversification from forest management.⁶⁷
- Involve local communities in a transparent and participatory manner in decision-making processes that affect their rights.⁶⁸

⁵⁴ ILO Convention 169 (arts. 14, 15, 16, 17, 18).

⁵⁵ Agenda 21 (Chapter 26 art. 26.4 letter a).

⁵⁶ UNDRIP (art. 31), ILO 169 (arts. 2, 7).

⁵⁷ ILO 169 (arts. 8, 9, 12).

⁵⁸ Agenda 21 (Chapter 26 art. 26.3 letter b and c).

⁵⁹ Agenda 21 (art. 11.14(d)).

⁶⁰ UNDRIP (art. 27), ILO 169 (arts. 14, 15, 17).

⁶¹ ILO Convention 169 (art. 33).

⁶² Agenda 21-Chapter 26 (arts. 26.3 (B)-(C), 26.6); ILO 169 (arts. 4, 6, 7, 15, 16, 17, 22,23, 27, 28, 33).

⁶³ UNDRIP (art. 32); ILO 169 (art. 16).

⁶⁴ UNDRIP (arts. 8, 10, 20, 40); ILO 169 (arts. 14, 15, 18).

⁶⁵ ILO 169 (arts. 9, 10, 1112, 14(3)); UNDRIP (art. 40).

⁶⁶ ILO 169 (art. 14).

⁶⁷ CBD arts 8(j); Non-Legally Binding Instrument on All Types of Forests (letter Y).

⁶⁸ Non-Legally Binding Instrument on All Types of Forests (principle C).

Accordingly, and as far as Indigenous Peoples' rights are concerned, performance indicators for REDD+ should serve to:

- a. Assess the degree of implementation of the safeguards, and actions undertaken to prevent harm to indigenous peoples taking into due account gender-related concerns, including measures to respect the right to Free Prior Informed Consent, as well as actions undertaken to redress and compensate for any harm inflicted as a consequence of REDD+ policies, programmes and actions.
- b. Assess the level of compliance of existing national legislation with international obligations and standards related to indigenous peoples and human rights such as the UNDRIP and ILO 169, in particular:
 - Rights to land, territories and natural resources
 - Right to Free Prior Informed Consent (FPIC)
 - Rights to traditional knowledge and practices
 - Rights to self determination and exercise of customary laws, governance and customary land use and forest management
 - Rights to full and effective participation in decision-making on matters that affect Indigenous Peoples and local communities
 - Rights to law enforcement and conflict resolution through traditional governance systems, with local monitoring and reporting of infringements
 - Rights to full and effective participation and consultation of indigenous peoples and local communities, and timely access to adequate information in a culturally appropriate manner
 - Right to equitable benefit sharing
- c. Assess the degree and modalities of indigenous peoples' participation in the definition of the criteria and ToRs for the SIS and performance indicators at the national level and for the assessment of performance, as well as measures to ensure indigenous peoples' participation throughout the whole process of gathering, analysing and producing information that will be used to assess results/benefits.

The importance of direct engagement of indigenous peoples in developing and adopting their own reporting frameworks to assess the level of advancement of human rights and indigenous peoples' rights has been recognized in other relevant international fora. The ILO-UNPFII report of an international expert meeting on the theme held in 2011⁶⁹ proposes that:

“12. The (reporting) framework (on compliance with human rights obligations) should be elaborated in partnership with indigenous peoples, to reflect their visions and to ensure their full participation in the operationalisation and use of the framework, including in community-led assessment processes.”⁷⁰

d. Assess the degree to which REDD+ policies and programmes build on effective community-based governance systems and acknowledge the role of community-based institutions of indigenous and local communities with regard to the conservation, sustainable use and control of biodiversity and natural resources. It should also be stressed that any assessment of results of REDD+ that are related to livelihoods, indigenous peoples' rights and biodiversity will have to take into account the consideration of risks that REDD+ results-based payments might alter or undermine traditional knowledge and livelihoods of indigenous peoples. Hence specific risk assessment and performance criteria will have to be developed and applied to evaluate the degree to which such risks are prevented and addressed and customary conservation and sustainable use of biodiversity recognized, supported and promoted.

e. Assess the modalities and extent by which land use planning and the ecosystem approach have been

⁶⁹ UN Permanent Forum on Indigenous Issues. 10th session. Follow-up to the recommendations of the Permanent Forum: (a) Economic and Social Development - Report of the international technical expert meeting on “Keeping track – indicators, mechanisms and data for assessing the implementation of indigenous peoples' rights”. E/C.19/2011/11

⁷⁰ *ibidem*, page 8

ensured and integrated in any REDD policy and/action as tools to ensure biodiversity, carbon and livelihoods benefits. In order to ensure biodiversity benefits, additional indicators will have to be developed and applied to enable basic biodiversity risk identification and risk mitigation activities, as well as to assess status and trends of boundaries of indigenous territories, land tenure and access rights, and changes in livelihoods and traditional knowledge related to REDD+, as well as the integration of national REDD+ programmes with the strategic plan for biodiversity.

ANNEX 4

Safeguard (d): The full and effective participation of relevant stakeholders

Relevant provisions in other international and regional legal instruments:

- Provide legal recognition and take necessary measures to give effect to the rights to access to information, participation, and justice.⁷¹
- Establish and improve appropriate national institutions entrusted with the promotion and protection of the right to information, participation, and justice.⁷²
- Collect, compile, update, and distribute to the public pertinent information from state institutions and relevant private bodies.⁷³
- Develop or improve mechanisms to ensure public access to information and to facilitate the involvement of indigenous peoples, local communities, forest owners, and other relevant stakeholders in decision making at all levels.⁷⁴
- Guarantee indigenous peoples, local communities, forest owners, and other relevant stakeholders' access to judicial, quasi-judicial and/or administrative proceedings challenge the substantive and procedural legality of any decision, act, or omission relating to participation in environmental decision making, including access to redress and remedy.⁷⁵
- Promote education and awareness raising to ensure that indigenous peoples, local communities, forest owners, and other relevant stakeholders are aware of these rights, that they have the capacity to exercise them, and understand the corresponding obligations and duties from part of the State to fulfil them.⁷⁶
- Promote awareness in the public at large of the importance of considering environment and development in an integrated manner, and establish mechanisms for facilitating a direct exchange of information.⁷⁷

⁷¹ American Convention on Human Rights (art. 2); Universal Declaration on Human Rights (art. 19); Rio Declaration on Environment and Development (art. 10); Agenda 21 (chapter 8 art. 8.13).

⁷² African Charter on Human and Peoples Rights (art. 26); Agenda 21 (chapter 8, art. 8.26).

⁷³ Rio Declaration on Environment and Development (art. 10); Agenda 21 (Chapter 11, art. 11.4 letter (a) and Chapter 8, art. 8.21 letter C); Non-Legally Binding Instrument on all Types of Forests (art. 6 letter a); Nagoya Protocol (art. 14).

⁷⁴ Agenda 21 (Chapter 8 art. 8.3.) and Chapter 11 (art. 11.4(c)); Non Legally Binding Instrument on all Types of Forests (art. 6(W)); American Convention on Human Rights (art. 2); MERCOSUR (art. 3).

⁷⁵ Rio Declaration on Environment and Development (art. 10); International Covenant in Civil and Political Rights and its First Protocol (art. 50); American Convention on Human Rights (art. 25); U.N. Declaration on the Rights of Indigenous Peoples (art. 8); North American Agreement on Environmental Cooperation (arts. 6, 7).

⁷⁶ Rio Declaration on Environment and Development (art. 10); International Covenant in Civil and Political Rights and its First Protocol (art. 50); American Convention on Human Rights (art. 13); ILO Convention 169 (art. 6); Convention on Biological Diversity (art. 8 letter J); Non-Legally Binding Instrument on All Types of Forests (art. 6 letters T and V); African Charter on Human and Peoples Rights (art. 25).

⁷⁷ Agenda 21 (Chapter 8 art. 8.11).

- Carry out environmental impacts assessments for proposed actions or activities that are likely to have significant impacts on indigenous peoples, local communities, forest owners, and other relevant stakeholders' rights. Environmental Impact Assessments must guarantee their effective participation.⁷⁸

ANNEX 5

Safeguard (e): Conservation of natural forests and biological diversity

Relevant provisions in other international and regional legal instruments:

- Prioritize stopping deforestation and forest degradation over the other measures contained in 1/C.P.16, Para 70, by allocating funds for measures c-e only if these targets have been achieved nationally
- Identify and monitor, through sampling and other techniques, the components of biological diversity and forest quality at national and sub-national levels, and maintain and organize data derived from these identification and monitoring activities.⁷⁹ States should pay particular attention to those areas requiring urgent conservation measures and those which offer the greatest potential for sustainable use.⁸⁰
- Map and categorize forests in a manner that indicates different types of natural forests, forest quality, and forest plantations.⁸¹
- Identify, monitor, and regulate processes and activities that threaten natural forests and biodiversity,⁸² such as invasive alien species,⁸³ fire,⁸⁴ pollution,⁸⁵ disease,⁸⁶ and human activities such as poaching and over-grazing.⁸⁷
- Adopt suitable laws and regulations for the protection and preservation of flora and fauna within national jurisdictions.⁸⁸ Regulate the use of biological resources and wood products, including the trade of such resources.⁸⁹
- Create, develop, or expand protected forest areas,⁹⁰ in particular areas with high biodiversity;⁹¹ make use of buffer zones and corridors.⁹²
- Develop or adapt national strategies, plans, or programs that act as incentives for the conservation and sustainable use of biological diversity. This includes the National Biodiversity Strategies and Action Plans.⁹³

⁷⁸ Convention on Environmental Impact Assessment (EIA) in a Transboundary Context.

⁷⁹ Convention on Biological Diversity (art. 7); Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (art. IX).

⁸⁰ Convention on Biological Diversity (art. 7).

⁸¹ Agenda 21 (Chapter 11, art. 11.13).

⁸² Convention on Biological Diversity (art. 7(c)).

⁸³ Convention on Biological Diversity (art. 8(h)-(g)); Convention on Migratory Species (art. III(4)(c)).

⁸⁴ Non-Legally Binding Instrument on All Types of Forests (sec. V(6)(o)); Convention on Biological Diversity, Aichi Target 8; Agenda 21 (Chapter 11, art. 11.10).

⁸⁵ Convention on Biological Diversity (pin cite); Agenda 21 (art. 11.10, 11.13(g)).

⁸⁶ Non-Legally Binding Instrument on All Types of Forests V(6)(o); Agenda 21 (Chapter 11, 11.13(g)).

⁸⁷ CITES (pin cite); Agenda 21 (Chapter 11, arts. 11.10, 11.13(g)).

⁸⁸ Convention on Nature Protection and wildlife preservation in the western hemisphere (art. 5).

⁸⁹ Convention on Biological Diversity (sections 7(c), 8(c)(i),10); CITES.

⁹⁰ Non-Legally Binding Instrument on All Types of Forests (global objective 3, art. 6 letter P and Q); Convention on Nature Protection and wildlife preservation in the western hemisphere (art. 2).

⁹¹ Convention on Biological Diversity (sections 8(a)-(b),(d)); Non-Legally Binding Instrument on All Types of Forests (sec. V(6)(p)); Convention on Migratory Species (sec. III(4)); Agenda 21 (Chapter 11, art. 11.13(b) and Chapter 26, art. 26.3 letter a).

⁹² Agenda 21 (Chapter 11, art. 11.13(c)).

⁹³ Convention on Biological Diversity (art. 6(a), arts. 10, 11); Agenda 21 (Chapter 15, art. 15.4 letter B and art. 15.5 letter J).

- Promote conservation and sustainable use of biological diversity through coordination and integration of relevant sectoral or cross-sectoral plans, programs, and policies.⁹⁴
- Raise awareness of the issues of environmental protection and the rational use of natural resources.⁹⁵
- Encourage research with contributes to the conservation and sustainable use of biological diversity.⁹⁶
- Protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation.⁹⁷
- Introduce and undertake environmental impact assessment of programs, policies, and actions that are likely to have significant adverse impacts on biological diversity, with a view of avoiding or minimizing such effects.⁹⁸
- Strengthen existing institutions and/or establish new ones responsible for the conservation of biological diversity.⁹⁹

⁹⁴ MERCOSUR framework agreement on environment (art. 3); Convention on Biological Diversity (art. 6(b), art. 10 (e)); Agenda 21 (Chapter 15, art. 15.11 letter D, and Chapter 15, art. 15.5 letter B).

⁹⁵ Interregional framework cooperation between EU and southern common market (art. 17); Agenda 21 (Chapter 15, art. 15.5. letter M).

⁹⁶ Nagoya Protocol (art. 8); Agenda 21 (Chapter 15, art. 15.5 letter C, and art. 15.5 letter F).

⁹⁷ Convention on Biological Diversity (art. 10(c)); Agenda 21 (Chapter 15, art. 15.5 letter E).

⁹⁸ Convention on Biological Diversity (art. 14); Agenda 21 (Chapter 15, art. 15.5 letter K).

⁹⁹ Agenda 21 (Chapter 15, art. 15.11).