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Subject Call for Public Input - New procedures to
demonstrate eligibility of lands for
afforestation and reforestation project
activities under the CDM

Dear Sir/Madam,

please find below the Brazilian Government views regarding the CDM Executive Board call for public input on the issue of new procedures to demonstrate eligibility of lands for afforestation and reforestation project activities under the CDM. This input has also been submitted by fax. Please acknowledge receipt of this message.

Sincerely,

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VIEWS BY BRAZIL

This input is in response to the Call for public inputs on new procedures to demonstrate the eligibility of lands for afforestation and reforestation project activities under the CDM, launched by the CDM Executive Board in accordance with the decision by the COP/MOP at its second session ("Further guidance relating to the clean development mechanism" - FCCC/KP/CMP/2006/10/Add.1 paragraph 26).

Brazil welcomes the opportunity to provide inputs for these procedures, following the principle that any requirement to demonstrate the eligibility of lands shall follow the definitions of forest, reforestation and afforestation in paragraph 1 of the annex to draft decision 16/CMP.1, and Decision 19/CP.9. No additional requirements should be created that cannot be directly mapped to the modalities and procedures for the inclusion of afforestation or reforestation project activities under the Clean Development Mechanism.

This input is presented in two parts: (1) a proposed text to demonstrate eligibility of lands for the purposes of A/R project activities under the Clean Development Mechanism; and (2) views on issues related to version 02 in Annex 18 of EB26 report, on Procedures to demonstrate the eligibility of lands for afforestation and reforestation project activities.

(1) Proposed text

The following text is proposed to demonstrate eligibility of lands for the purposes of A/R project activities under the Clean Development Mechanism:

Project participants shall provide evidence that the land within the planned project boundary is eligible for an A/R project activity. The steps below shall be followed:

Step 1: demonstrate that the land at the moment the project starts does not contain forest, by providing transparent and complete information that:

* 1.1 - the vegetation cover on the land is below the forest thresholds (crown cover or equivalent stocking level, tree height at maturity in situ, minimum land area) adopted for the definition of forest by the host country under decisions 11/CP.7 and 10/CP.9, as communicated by the respective DNA; and

* 1.2 - all young natural formations and all plantations on the land are not expected to reach the minimum crown cover and minimum height chosen by the host country to define forest; and

* 1.3 - that the land is not temporarily unstocked as a result of human intervention or logging or natural causes, but which was expected to revert to forest. This includes demonstration that the land cover is not the result of forest that has been harvested as part of a management practice, and which is expected to revert to forest either by direct human-induced activities or natural regeneration.

Step.2: demonstrate that the activity is a reforestation or afforestation project activity, as follows:

2.1. For reforestation project activities demonstrate:

2.1.1. that the land was forest before conversion to non-forest land; and
2.1.2. that all the conditions outlined under Step 1 also applies to the land on 31st December 1989; and
2.1.3. that reforestation occurs as a result of a direct human-induced activity (planting, seeding and/or human-induced promotion of natural seed sources).

2.2. For afforestation project activities demonstrate:
2.2.1. that the land has not been forest land in the last 50 years, i.e., the vegetation cover, during this period, has not reached the thresholds adopted by the host country for the definition of forest (crown cover or equivalent stocking level, tree height at maturity in situ, minimum land area); and

2.2.2. that reforestation occurs as a result of a direct human-induced activity (planting, seeding and/or human-induced promotion of natural seed sources).

In order to demonstrate Step 1.1, project participants shall provide one of the following types of verifiable information:

(a) aerial photographs or satellite imagery complemented by ground reference data; or

(b) land use or land-cover information from maps or digital spatial datasets; or

(c) ground based surveys (land-use or land-cover information from permits, plans, or information from local registers such as cadastre, owners registers, or other land registers); or

(d) if options (a), (b) and (c) are not available/applicable, project participants shall submit a written testimony which was produced following a Participatory Rural Appraisal (PRA) methodology.

In order to demonstrate Steps 1.2 and 1.3 (and related elements in Step 2), project participants can demonstrate that environmental conditions, anthropogenic pressures, or lack of available seed sources prevent significant encroachment or regeneration of woody vegetation to an extent that could be expected to exceed - without human intervention - the thresholds adopted by the host country for definition of forest.

To demonstrate Step 2.2.1, project participants should provide evidence that the land has always been below the national thresholds, using, inter alia, available maps of land-use/land cover of adequate resolution, national publications pointing to the degraded state of the land; limiting regeneration factors, such as severe drought or floods, or systematic occurrence of fires.

(2) Views on issues related to version 02 in Annex 18 of EB26 report, on Procedures to demonstrate the eligibility of lands for afforestation and reforestation project activities

* inclusion of new requirements to demonstrate eligibility of lands, on the basis of good practice, following the IPCC Good Practice Guidance for Land use, land-use change and forestry shall not be included (such as minimum width in the definition of forest, in addition to the three parameters agreed in Decision 19/CP.9, paragraph xxx). Note that the

minimum width is applied to define forest and units of land subject to afforestation, reforestation and deforestation (ARD) activities, which applies to Article 3.3 of the Kyoto Protocol, and therefore specific to Annex I Parties, and not to CDM project activities.

* the evidence that project participants are requested to provide to demonstrate that the land was below the national thresholds for at least four single representative years within the time period of 50 years for afforestation project activities (paragraph 1(b)(ii)) does not capture the fact that land could be afforested between the representative years. This is particularly true for those countries that have selected very low thresholds for their forest definition, or for those planting fast growing species.

* There is no provision in Decision 19/CP.9 to justify the requirement that the land has not been forest land at any time since 1 January 1990, i.e., there is no time since 1 January 1990 at which woody vegetation on the land has met the thresholds adopted for the definition of forest by the host country" (paragraph 1(b)iii). The definition of forest requires that one demonstrates that the land, in 31 December 1989, is not forest. Simply speaking, this implies that (i) the vegetation cover on the land does not meet the forest thresholds selected by the country, and (ii) the land cover will not revert to forest without a direct human induced activity. It is our understanding that once it is demonstrated that the land will not become forest land without a direct-human induced activity, both in 1989 and at the start of the project activity, land could indeed become forest during this period, through a direct-human induced activity. Suppose, for instance, a situation where incentives are provided to reforest degraded lands (e.g., through governmental measures and funds), and that a reforestation program initiates in 1992. Suppose that in 1994 the area reforested meets the forest definition of the country, but due to a wild fire, part of this forest land is extinguished, returning to its original condition as degraded land. This land will likely remain as degraded land unless additional incentives are provided (e.g., CDM revenues). One could be inclined to think that perverse incentives to deforest would exist if paragraph 1(b)iii is not included. Brazil notes that there are other provisions in the modalities and procedures that can curtail such intention, such as the demonstration of additionality tool and comments by stakeholders.

If remote sensing, based either on satellite imagery or aerial photographs, is used to determine that the land does not contain forest at either the moment the project starts, or in December 1989, project participants shall demonstrate that the data used has the adequate spatial and spectral resolutions to allow reliable discrimination between forest and non-forest land according to the thresholds adopted for forest land by the host country.

Caution should be exercised when interpreting land use or land cover from maps or other information, as the information may not have been prepared for CDM-related purposes. Project participants shall demonstrate that the information in any maps, datasets, or other documents used is fit for the purpose of discriminating between forest and non-forest land use.

Participatory Rural Appraisal (PRA) is an approach to the analysis of local problems and the formulation of tentative solutions with local stakeholders.

It makes use of a wide range of visualisation methods for group-based analysis to deal with spatial and temporal aspects of social and environmental problems. This methodology is, for example, described in: Chambers R. (1992), *Rural Appraisal: Rapid, Relaxed, and Participatory*. Discussion Paper 311, Institute of Development Studies, Sussex; and Theis, J.; Grady, H. (1991). *Participatory rapid appraisal for community development*. Save the Children Fund, London.