



**RECOMMENDATIONS FOR
SOCIO-ENVIRONMENTAL
SAFEGUARDS FOR THE STATE
REDD+ SYSTEM OF AMAZONAS**

Enviromental Services
Law of Amazonas

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EXECUTIVE SUMMARY

This document presents recommendations to the Amazonas State Environment Secretariat (SEMA) for the inclusion of socio-environmental safeguards, in the light of national and international references for the regulatory process of the Climate and Carbon Regulation Program provided under the Environmental Services Policy for the State Amazonas and the Environmental Services Management System (Law N° 4.266/2015).

The recommendations for socio-environmental safeguards resulted from a set of activities implemented by the project “Regulation and Implementation of the State Environmental Services Law of Amazonas”, supervised by the Amazonas State Environment Secretariat (SEMA), under the coordination of the Amazonas Sustainable Foundation (FAS), in partnership with the Amazonas Conservation and Sustainable Development Institute (IDESAM), the Vitória Amazônica Foundation (FVA) and Conservation International Brazil (CI-Brazil). This project is supported by the public notice “Window A” of the Governors’ Climate & Forests Task Force (GCF Task Force) and managed by the United Nations Development Program (UNDP). The recommendations presented are expected to be considered by the Amazonas State Environment Secretariat when regulating the Climate and Carbon Program.

Socio-environmental safeguards are general guidelines, which were defined, under the United Nations Framework Convention on Climate Change (UNFCCC), as general guidelines that must be observed by countries that wish to be rewarded for the results achieved in Reducing Emissions from Deforestation and Forest Degradation that guarantee forest conservation, sustainable forest management and increased carbon stocks (REDD+) (CONAREDD, 2015). Socio-environmental safeguards should offer guidelines so that REDD+ systems, programs and projects have reduced risks and less negative impacts and, at the same time, potentializing positive impacts. The socio-environmental safeguards mainly focus on respect for the rights of traditional populations, indigenous peoples and other groups considered to be vulnerable, as well as on maintaining and increasing biodiversity, based on a robust and transparent governance system. To achieve the objective of its application, the safeguards must be built and implemented in a participatory manner and monitored and evaluated over time (Brazil et al., 2015)

¹ The Law N° 4.266 from 2015 instituted the Amazonas State Services Policy and the Environmental Services Management System, it created the State Fund for Climate Change, Environmental Conservation and Services, it changed State Laws N° 3.135/2007 and N° 3.184/2007, and makes other arrangements. Law N° 4.266/2015 provides for the creation of seven programs, including the Climate and Carbon Regulation Program. This program, according to the text of the law, is linked to the recovery, conservation and preservation of natural ecosystems that contribute to climatic balance and thermal comfort; mitigation of greenhouse gas emissions, conservation, maintenance and increase of carbon stocks, through the development of conservation and restoration activities of natural and anthropic ecosystems. The Climate and Carbon Regulation Program, in turn, also provides for three subprograms: the REDD+ subprogram, the event compensation subprogram and the industrial and business activities subprogram. In order for Law N° 4.266 from 2015, its programs and subprograms to be valid, some aspects of the law need to be regulated, including socio-environmental safeguards.

LIST OF ACRONYMS AND ABBREVIATIONS

ANA - National Water Agency (ANA)
CDSPCT - Council for the Sustainable Development of Traditional Peoples and Communities
CEMAAM - State Council for the Environment
CI-Brasil - Conservation International Brazil
CNPCT - National Committee for the Sustainable Development of Traditional Peoples and Communities
CONAREDD - National Commission for REDD+
FAMC - Environmental Services, Biodiversity and Climate Change Forum in Amazonas
FAS - Amazonas Sustainable Foundation
FUNAI - National Foundation for Indigenous Peoples
FVA – Vitória Amazônica Foundation
GCF Task Force - Governors' Climate and Forests Task Force
IBAMA - Brazilian Institute for the Environment and Renewable Natural Resources
IDESAM - Amazonas Conservation and Sustainable Development Institute

MAPA - Ministry of Agriculture, Livestock and Food Supply
MDR - Ministry of Regional Development
MMA - Ministry of the Environment
MP – Bill by the Presidency of the Republic
PEC - Proposal for a Constitutional Amendment
UNDP – United Nations Development Program
PPCDAm - Action Plan for the Prevention and Control of Deforestation in the Legal Amazon
PPCerrado - Action Plan for the Prevention and Control of Deforestation and Forest Fires in the Cerrado Biome
REDD+ Reducing Emissions from Deforestation and Forest Degradation, sustainable forest management, conservation and increasing forest carbon stocks
SEMA - Amazonas State Environment Secretariat
SFB - Brazilian Forest Service
SMCF - Forest and Climate Change Secretariat
STF - Supreme Federal Court



INTRODUCTION

For the elaboration of the recommendations for socio-environmental safeguards for the regulation of the Climate and Carbon Regulation Program of the State of Amazonas, the Cancun Safeguards, the resolution N° 09 of the National Commission for REDD+, which adopts the interpretation of the Cancun's safeguards adapted to the Brazilian context, and the Social and Environmental Standard for REDD+ (REDD+ SES) were considered, together with the result of the debates held during the six regional workshops held in the state of Amazonas, as well as the meeting prior to the regional workshops held in Manaus.

It is important to emphasize that the debate on the regulation of the REDD+ Sub-program and the holding of regional workshops, with the objective of collecting subsidies for the definition of socio-environmental safeguards for the state of Amazonas, occurred during the year in which the Brazilian government instituted a series of changes in the structure of ministries, policies or programs that directly affect the country's ability to provide socio-environmental safeguards for jurisdictional REDD+ projects (as provided for in the Cancun Safeguards, for example). A series of measures have been adopted that clearly weaken public policies and distance Brazilian national programs from relevant international conventions and agreements; compromise the effectiveness and transparency of governance, control and monitoring structures for public policies aimed at reducing deforestation and national forest legislation; affect the rights of indigenous peoples and traditional communities under national law and relevant international obligations.

As an example of the measures adopted by the Brazilian government, we can mention: alteration of the Environmental Policy and reduction of the capacity of formulation and implementation of public policies by the Ministry of the Environment (MMA); transfer of the National Water Agency (ANA) to the Ministry of Regional Development (MDR); transfer of the Brazilian Forest Service (SFB) to the Ministry of Agriculture, Livestock and Food Supply (MAPA); extinction of the Climate Change and Forestry Secretariat (SMCF); elimination of legal frameworks; changes in climate policies/Amazon Fund; discontinuity of the National Commission for REDD+

[CONAREDD]; extinction of spaces for dialogue, transparency with civil society; reduction of the operational capacity of IBAMA and other federal bodies that are responsible for inspection and monitoring; discontinuity of PPCDAM and PPCerrado; review of FUNAI's duties (MP 870 - vetoed in Congress - Demarcation/MAPA and administrative structure Ministry of Women, Family and Human Rights); new attempt to transfer the responsibility for demarcating Indigenous Lands to the Ministry of Agriculture (MP 886 - considered unconstitutional by the STF); extinction of the National Committee for the Sustainable Development of Traditional Peoples and Communities (CNPCT); blocking the processes of demarcation and approval of traditional territories; possibility of revising demarcation processes for Indigenous Lands and Quilombola Communities; cattle breeding, agricultural, mineral and water exploration in indigenous lands (PEC 343/2017 - barred by the STF)/cattle breeding and agricultural exploration approved (PEC 187/2016).

And it is in this context that the Amazonas state government will have the challenge of regulating socio-environmental safeguards and implementing the Environmental Services Law, in particular the Climate Regulation Program and the REDD+ Subprogram. At the same time that the national political scenario proves to be unfavorable for issues related to combating deforestation and policies related to the climate change related agenda, it should be noted that REDD+ initiatives promoted by state governments allow for a positive perception regarding to the socio-environmental agenda in the country, since it is possible to understand that the debate is not entirely over, with the opportunity to strengthen state public policies aimed at reducing deforestation, conciliated with the promotion and protection of the rights of indigenous peoples, traditional and local peoples and communities. In any case, there are big challenges involved in order to build socio-environmental safeguard designs for the state.

The main recommendations for the regulation process of the Climate and Carbon Regulation Program are found below.

PRINCIPLES FOR SOCIO-ENVIRONMENTAL SAFEGUARDS

With national and international safeguard references, it is recommended to include the following safeguards principles for the regulation of the Climate and Carbon Regulation Program:

The Climate Regulation Program must respect the following principles for socio-environmental safeguards:

- I. Recognition and respect for the right to land, territories and resources;
- II. Fair and equitable sharing of the benefits of programs, subprograms and projects among all rights holders and relevant actors;
- III. Improvement in the long-term security of livelihoods and the well-being of indigenous peoples and local communities with special attention to women and the most marginalized and/or vulnerable people;
- IV. Contribution to good governance, to the broader objectives of sustainable development and to social justice;
- V. Improvement of biodiversity and ecosystem services;
- VI. Full and effective participation of all rights holders and relevant actors;
- VII. Compliance with local and national laws and relevant treaties, conventions and other international instruments.

As they are guiding principles for the implementation and execution of programs and projects, it is important to emphasize the need for safeguards to be provided throughout the regulation of the Climate and Carbon Regulation Program, by means of the creation of instruments that are capable of making the measures aimed at safeguarding indigenous peoples, traditional and local communities effective, as well as protecting vulnerable people from negative impacts, and at the same time enhancing positive impacts resulting from actions carried out during the Climate and Carbon Regulation Program and its subprograms.



RECOMMENDATIONS FOR SOCIO-ENVIRONMENTAL SAFEGUARDS FOR THE CLIMATE AND CARBON REGULATION PROGRAM OF THE STATE OF AMAZONAS

Some of the more specific recommendations that aim to include precautions that reflect safeguards throughout the regulation text of the Climate and Carbon Regulation Program are listed below.

I) Creation of a Thematic Chamber for the Climate and Carbon Regulation Program

CEMAAM is responsible for mobilizing and promoting the participation of interested parties, aiming at the implementation and development of the REDD+ Subprogram and considering its specific objectives established by Law N° 4.266/2015. In this sense, the Thematic Chamber for the Climate and Carbon Regulation Program should be created within the scope of CEMAAM, with the objective of promoting, guiding and disciplining the implementation of the REDD+ Subprogram. This chamber should be composed of a number of participants to be defined, in order to ensure equal composition between organized civil society and public power, having civil society representatives appointed by the Environmental Services, Biodiversity and Climate Change Forum in Amazonas (FAMC), and by the National Committee for the Sustainable Development of Traditional Peoples and Communities (CNPCT) from among its members.

It is recommended for the Thematic Chamber to have the following competences:

- Ensure the participation, transparency and social control of the Climate and Carbon Regulation Program, its subprograms, action plans and special projects, especially with regard to meeting socio-environmental safeguards;
- Analyze and approve proposals of standards for the Climate and Carbon Regulation Program;
- Analyze the results of the independent audits and recommend the permanent improvement of the Climate and Carbon Regulation Program;
- Prepare and submit annual reports of its activities to CEMAAM;
- Request information and documents related to planning, management and execution of the programs, subprograms and projects linked to the Climate and Carbon Regulation Program; and
- Others that are defined in the regulation.

II) Creation of management and monitoring mechanisms in a participatory manner just as in the Climate and Carbon Regulation Program

It is recommended that CEMAAM support, promote and ensure that all groups of rights holders and relevant actors who want to be involved in the design, implementation, monitoring and evaluation of the Climate and Carbon program are involved through participation that is culturally appropriate, sensitive to gender issues and providing for:

- Financial and logistical support in order to ensure the participation and representation of different social actors, especially the most vulnerable ones;
- Support for the training and dissemination of information in an appropriate and effective manner, to all groups of rights holders and actors, with special attention to Indigenous and Traditional Peoples as well as Local and Traditional Communities, with special attention to women and marginalized and/or vulnerable groups to reduce obstacles towards effective participation, which includes the ability to understand, implement and monitor free, prior and informed consent and legal requirements related to the Climate and Carbon Program; the ability to use mechanisms for relevant claims;
- Support and protect the decision-making processes and structures of Indigenous and Traditional Peoples as well as Local and Traditional Communities;
- The construction of a process that is applicable during the design and implementation of the Climate and Carbon Program, to obtain the free, prior and informed consent of indigenous and traditional peoples and communities, which is in accordance with the relevant customs, rules and traditions as well as being sensitive to gender issues;
- Effective information, communication, conflict resolution and transparency procedures, appropriate to local realities, that ensure rights holders and actors access to relevant information on the Climate and Carbon Program, ensuring sufficient time between dissemination of information and decision-making, in order to make it easier for the rights holders and actors to coordinate their response.

III) Creation of a Conflict Resolution Instrument

It is recommended that an ombudsman's office is created for the Climate and Carbon Regulation Program, one that is linked to CEMAAM and with the following attributions:

- Receive suggestions, complaints, denunciations and proposals from any citizen or entity related to issues of the Climate and Carbon Regulation Program;
- Receive reports of illegal, irregular, abusive, arbitrary or dishonest acts by a public or private employee in activities linked to the Climate and Carbon Regulation Program;
- Analyze and monitor the processing of complaints received and convey solutions to interested parties;
- Suggest to the state government, through recommendations, the carrying out of studies and the adoption of adjustment measures in order to improve the Climate and Carbon Regulation Program or support the activities of the ombudsman's office;
- Mediate conflicts among the various actors in the Climate and Carbon Regulation Program, seeking to elucidate doubts about the execution of programs, subprograms, action plans and special projects; and
- Others that are defined in the regulation.

IV) Creation of a Gender Working Group

To be formed by representatives of organizations that work with issues related to gender and women's rights in order to:

- Incorporate gender themes into the policy of incentives to environmental services in the state of Amazonas;
- Strengthen social inclusion and the participation of women in the implementation and monitoring of the Climate and Carbon Regulation Program and its subprograms;
- Follow and monitor, from a gender perspective, the Climate and Carbon Regulation Program in relation to meeting socio-environmental safeguards;
- Propose projects and actions under the Climate and Carbon Regulation Program and its subprograms, aimed at ensuring fair and equal distribution of benefits between women and men;

It is recommended that the Gender WG be part of the Thematic Chamber of the Climate and Carbon Regulation Program.

V) Creation of an Indigenous Working Group

To be formed by representatives of indigenous organizations, indigenous institutions and state and federal government bodies, with the following objectives:

- Be a forum of dialogue among the Climate and Carbon Regulation Program, the indigenous peoples and communities of the state of Amazonas and the civil society;
- Accompany and monitor the Climate and Carbon Regulation Program in relation to meeting socio-environmental safeguards;
- Serve as a channel for the demands of indigenous leaders for the Climate and Carbon Regulation Program;
- Hold regular meetings and make it easier for indigenous people to participate in the Climate and Carbon Regulation Program.

It is recommended that the Indigenous WG be part of the Thematic Chamber of the Climate and Carbon Regulation Program.

VI) Strengthening of the Council for the Sustainable Development of Peoples and Communities of the State of Amazonas

The state of Amazonas has a Council for the Sustainable Development of Traditional Peoples and Communities. It is recommended that CEMAAM supports the strengthening of this council, so that this space effectively serves as a space for representing the traditional populations of the state of Amazonas.

VII) Creation of a Farmers' Working Group

With the objective of representing the interests of farmers, as well as promoting the debate and stimulating the adoption of sustainable practices for agriculture, cattle breeding and forestry, for the conservation of the remaining native vegetation, recovery of environmental assets and the socioeconomic inclusion of family farming and traditional peoples. It is recommended that the Farmers' WG becomes part of the Thematic Chamber of the Climate and Carbon Regulation Program.

VIII) Creation of a Young People's Working Group

To be formed by representatives of organizations that work with youth-related topics with the aim of strengthening social inclusion and the participation of young people in the implementation of the Climate and Carbon Regulation Program and its subprograms. It is recommended that the Young People's WG becomes part of the Thematic Chamber of the Climate and Carbon Regulation Program.

RECOMMENDATIONS

This document presents recommendations to the Amazonas State Environment Secretariat (SEMA) for the inclusion of socio-environmental safeguards, in the light of national and international references for the regulatory process of the Climate and Carbon Regulation Program, provided for in the Environmental Services Policy of the State of Amazonas and the Environmental Services Management System (Law N° 4.266/2015).

The meetings and debates promoted by the regional workshops helped to envision the challenges that the state government of Amazonas will have in order to effectively operationalize the Climate and Carbon Regulation Program and the REDD+ Subprogram, with all the necessary precautions and safeguards so as to ensure the quality and effectiveness of its policy to reduce greenhouse gas emissions. Financial and human resources as well as significant investment in terms of management, coordination and political articulation (including aligning overlapping actions of state and federal programs) will be necessary to generate solutions that can be used to act on the main weaknesses and challenges already experienced in the local context (such as deforestation vectors, land conflicts, among others) and which represent concrete challenges in terms of socio-environmental safeguards.

The recommendations for safeguards presented here should be taken into account as being part of a first version to be considered for the regulation process of the Climate and Carbon Regulation Program. It will be necessary for SEMA to carry out the work of designing the Climate Regulation Program, together with its governance, operating rules, transparency, monitoring and control, in cooperation with CEMAAM, with the Council for Sustainable Development of Traditional Peoples and Communities as well as the Environmental Services, Biodiversity and Climate Change Forum in Amazonas, in dialogue and articulation with representatives of civil society that have not yet been present in these formal spaces.

Finally, it is worth emphasizing the need to design a more comprehensive consultation for the definition of indicators for socio-environmental safeguards, appropriate to the context of the state of Amazonas, in order to expand the consultation and consider other peculiarities of the state, as well as to ensure the respect for the right to free, prior and informed consent of indigenous peoples and traditional populations who may be affected by this policy.

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