



COUNTRY-LEVEL ANALYSIS OF LEGAL FRAMEWORKS

Country-level analysis of legal
frameworks IADB Amazon
Bioeconomy Fund-GCF



Country-level analysis of legal frameworks

ADB Amazon Bioeconomy Fund-GCF proposal

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INTRODUCTION

1.0 INTRODUCTION

The Inter-American Development Bank (IDB) is currently structuring a programme to finance investments that enhance the bioeconomy in the Amazon region with resources of the Green Climate Fund (GCF) in Brazil, Colombia, Ecuador, Guyana, Peru, and Suriname as beneficiary countries (hereinafter, 'the Programme'). The full funding proposal is expected to be sent to the GCF on March 28, 2021 and after a period of comments is expected to be presented to the GCF Board during meeting B.30 on October 5-8, 2021. The Programme aims at designing, testing and implementing an ecosystem for the valuation of natural capital and, enable private enterprises to invest throughout the value chain in the bioeconomy, reduce Greenhouse Gas (GHG) emissions, and provide conservation and adaptation benefits in the Amazon region. The proposed approach aims to generate positive economic, climatic, and social impacts by taking advantage of the variety of biological and genetic resources of the Amazon, the diverse productive landscapes and sustainable forestry.

The term bioeconomy refers to any economic activity that involves the production of goods and services from biological material as a primary resource. In this sense, an important aspect of the bioeconomy is the application of mechanisms, technology and processes related to biological resources to the creation or improvement of industrial processes, the development of new products and services, or the production of energy. The concept of bioeconomy is of strategic interest for the seven countries since it offers a frame of reference for the design and implementation of policies to advance towards more productive systems that allow them to face economic, social and environmental challenges in a comprehensive manner. Worldwide, about 50 countries have already developed strategies related to the bioeconomy.

The Programme is composed of three components, namely, i) bioeconomy investment funds, ii) access to private capital markets through green bond issues, and iii) support for the inclusion of biodiversity considerations of public-private partnership (PPP) forest management and natural park concessions. These components will be implemented through i) concessional financing, ii) results-based incentives and iii) technical assistance to increase the institutional capacity of ministries, National Development Banks (NDBs) and local concessionaires. It will furthermore develop standardized eligibility and valuation frameworks as well as support the structuring of bioeconomy funds.

This document provides a rapid assessment of the existing legal frameworks relevant to the bioeconomy for Brazil, Colombia, Ecuador, Guyana, Peru, and Suriname with a view to informing the development of the GCF Funding Proposal. We have carried out a mapping of the legal regime per country on three areas relevant for the Programme, namely, legal acts related to country implementation of:

- The UN Framework Convention on Climate Change
- REDD+ and forest policies; and
- Laws and policies related with the promotion of the bioeconomy.

In Brazil and Peru, countries with a federal or semi-federal state organization, respectively, the assessment identifies the most important legislation of key Amazonian states (Brazil) and regions (Peru). For each country, our review has been based on the analysis of legal acts and available literature. Considering that the IDB has not yet established the type of projects that will be implemented per country under the Programme, our legal analysis has focused on the same legal areas for all countries. The analysis has not covered issues related with the design of contractual arrangements between IDB and national partners (national development banks, financial ministries, other national institutions) nor taxation/insurance matters.



ANALYSIS

2.0 ANALYSIS SUMMARY

This chapter synthesizes the most relevant conclusions from the six country studies. In Section 2.1, we present an overview of the main elements of the legal and policy frameworks governing climate change, forests, and REDD+, and the bioeconomy, as well as some insights on the relevance of these frameworks for the Programme. Section 2.2 presents the overall conclusions of our analysis.

2.1 Overview of legal and policy regimes

2.1.1 Legal regimes governing climate change

All countries surveyed have ratified the Paris Agreement and submitted at least one NDC. All countries, except for Guyana have already submitted an updated NDC, including The forest and land use sector is an important element in all NDCs. While there is a wide variety in the types of commitments they contain – economy-wide GHG reduction objectives, sectoral GHG reductions, conditional and unconditional goals – all the NDCs include forestry and avoided deforestation as a key factor of their mitigation pledges as well as the development of a low-carbon economy. The adaptation components of the NDC vary among the different countries in terms of the areas covered and degree of detail. Nonetheless, most of them include areas relevant for bioeconomy such as agriculture and cattle, tourism, promotion of natural management resources regimes and fostering ecosystem services.

All the NDCs are built on national policies. Most of the countries have constructed their NDC in line with their long-term development plans, low-carbon strategies, climate change plans and sectoral policies. However, for the most part, countries' NDCs express a need to adopt future plans and sectors to concretize and translate the NDCs' goals. For most countries, adaptation plans are currently being designed (e.g. Peru) or reviewed. Some countries have recently approved Adaptation Plans (e.g. Suriname). All countries have climate national policies in the form of national climate change plans, low carbon strategies, or climate forest-agriculture strategies, adaptation plans or sectoral mitigation policies. Peru, Colombia, and Brazil have the most comprehensive climate policy frameworks, with each boasting a consolidated set of climate policies.

Brazil, Peru, and Colombia have adopted specific legal frameworks governing climate change mitigation and adaptation. All three countries have framework laws on climate change, while Colombia and Brazil have also integrated climate change considerations within various other laws. These legal frameworks provide a solid foundation for the development of climate change policies.

Brazil and Peru also have climate-related frameworks at sub-national level. For instance, most states in Brazil have climate change laws as well as climate change policies. The latter typically address forestry and sustainable development. Some states also have their own emission reduction targets. Several Peruvian regions also have regional climate change strategies, and many have committed to reducing their GHG emissions by 80 percent (conditional on financial support) under the Rio Branco Declaration.

Few countries have developed specific gender climate change strategies, although most countries have laws or policies mandating a gender-responsive approach to climate change and the environment. Peru is perhaps the most advanced of the seven countries in this regard, having enshrined a Gender and Climate Change Action Plan, which specifically addresses forests, in law. For its part, Brazil has a committee within the Ministry of the Environment tasked with integrate gender perspectives in environmental policymaking. Both Colombia and Ecuador have adopted a gender-responsive approach in their NDCs, while Guyana has included a gender-responsive approach as part of its National Climate Change Policy and Action Plan. Suriname has not adopted specific legislation or policies on a gender-responsive approach but did assess the gender impacts of its NDC.

2.1.2 Legal regimes governing forests and REDD+

The majority of the Programme countries are participating in REDD+. Brazil, Ecuador, Colombia, and Guyana are among the most advanced countries globally in REDD+ implementation, with all four having received results-based payments from international donors. Peru and Suriname are also participating in international REDD+ Programmes including the Forest Carbon Partnership Facility and the UN-REDD Programme, but have yet to enter into any agreements for results-based finance.

Most of the countries have adopted legal and policy frameworks governing REDD+. Brazil, Colombia, Ecuador Peru, and Suriname have adopted REDD+ strategies and/or action plans, while Guyana is currently developing its REDD+ Strategy. Key aspects of the legal and policy regime do, however, remain absent in many countries. For instance, Ecuador, Peru, and Suriname, have yet to formalize and operationalize their safeguards frameworks and information systems. Guyana has yet to implement a national system for monitoring REDD+ activities.

While approaches to REDD+ differ, many of the countries include bioeconomy-related approaches as part of their strategies. Colombia is promoting sustainable production activities, the development of farmers association schemes, and partnerships to access markets as part of its Visión Amazonía Programme, and the government has developed credit lines to support these actions. Ecuador's National Action Plan for REDD+

promotes sustainable forest management as an alternative source of income for communities whose livelihoods depend on forests. For its part, Suriname is promoting forest sustainable economic activities in favour of forest communities and local populations as part of its REDD+ Strategy.

Several countries have not yet aligned their sectoral legal and policy frameworks with their REDD+ and sustainable forestry goals. Guyana, for example, has yet to align the policy frameworks governing the mining and agriculture sectors with its REDD+ policy. In contrast, Suriname's Policy Development Plan for the agriculture sector includes provisions to ensure the sustainable expansion of the agriculture sector and includes policies to promote non-timber forest products and provide compensation for forest preservation and recovery. Colombia's National REDD+ Strategy is also a trans-sectoral policy that targets sustainable agricultural development, though in practice unsustainable livestock expansion is a major problem.

No country has a full system of REDD+ safeguards in place. Ecuador has already adopted a national definition of safeguards. The rest of the countries implementing REDD+ countries remain in the process of setting up their national safeguards approach. No analysed country has so far a specific law or national policy on safeguards. Most countries do not yet have specific climate risks strategies. For the majority of countries, climate risk strategies are embedded in their national risk and disaster policies (Colombia, Peru) or under the National Adaptation Plans (Brazil). Only Guyana has a climate risk and resilience strategy.

Unclear and insecure land tenure remains a major issue in all countries, in particular for indigenous peoples and other ethnic minorities. While all seven countries have legal regimes recognizing the rights of indigenous and local communities to forestry resources in various degrees, many indigenous and other local communities lack secure title to their customary lands, limiting their ability to properly manage and invest in them. Overlaps between indigenous lands and commercial concessions (forestry, mining, gold, oil) are commonplace and often create conflicts that can result in violence against and criminalization of communities. This is the case even in countries where indigenous rights are relatively well protected under the law, such as Colombia, Peru, Ecuador and Brazil. This presents a major barrier to implementing activities to sustainably use and manage forests. Slow progress in solving land titling disputes and recognizing indigenous land rights has, for example, been identified as the main challenges for effective implementation of forestry policies and REDD+ in Guyana and Suriname.

Weak land use planning laws and lack of enforcement lead to overlapping of forest uses. Land use planning is often lacking or deficient in the seven countries, resulting in unclear zoning, which in turn can lead to multiple legal regimes applying to a given area of forest. For in-

stance, Protected Areas often overlap with community lands, or even with production forests or concessions. This represents a challenge for the execution of bioeconomy projects executed in these areas.

Despite the fact that legislation recognizes community concessions, forest communities continue to face challenges in exercising sustainable forest management. Forest communities need to develop management plans and obtain permits from the competent authorities, which often require technical and financial capacity that the communities do not have. Although the importance of community forestry concessions is increasingly being recognised, technical and financial support needs to be enhanced.

Many of the countries lack the financial and technical resources to fully implement their REDD+ and sustainable forest management strategies, especially community forest management. For instance, Ecuador lacks sufficient technical capacities to implement REDD+ strategic actions and measures, while limited international funding is dissuading the government from protecting forests. Limited technical and financial capacities were also identified as hindering implementation of REDD+ and related policies in Peru, Guyana, and Suriname. Although countries have advanced with setting up policies and programmes promoting community forest management, this is an area in need of development that offers large opportunities for the development of bioeconomy projects.

Illegal logging and deforestation remain a major issue in all countries in the region. While most countries count with a solid forestry regime that prevents deforestation, in practice laws are scarcely enforced. Illegal activities are often linked to cattle ranching, especially in Colombia and Brazil, as well as to illegal mining (Surinam, Guyana). Limited enforcement capacities make policing this illegal activity a challenge. Illegal deforestation is also facilitated by unclear changing legal regimes. In Brazil, for instance, a proposed law aims to provide amnesty to farmers that have illegally settled on land within government-controlled forest reserves between 2011-2019. Several countries are seeking to address illegal deforestation as part of their climate change strategies. Colombia have national programs for the Amazonia region -Vision Amazonia- with objectives of zero deforestation.

2.1.3 Legal regimes governing the bioeconomy

The majority of countries do not have dedicated legal frameworks governing the 'bioeconomy' although there are countries that have recently embraced the concept under different instruments. Of the seven countries, Colombia has adopted a specific strategy on bioeconomy, though this still needs to be translated into policy acts, while Ecuador includes bioeconomy as a tool for sustainable growth in its National Development Plan and has a National Pact for Sustainable Bioeconomy. Brazil approved a Program on Bioecono-

my Socio-biodiversity in 2019 and its National Strategy of Science, Technology and Innovation 2016-2022 aims to enhance innovation for the use of bioeconomy products that contribute to nutrition, energy, and economic development. The focus of the bioeconomy has largely been on the bioenergy sector, although programmes and incentives have also been developed that address agriculture. The Brazilian Ministry of Agriculture, Livestock and Food Supply has launched the National Programme for Biobased Agricultural Inputs, which aims to enhance the use of the bioeconomy via national agricultural inputs

All the countries analysed have sectoral or general policy frameworks that cover some of areas of relevance to the bioeconomy, such as payments for ecosystem services, environmental incentives, supply chain legislation, organic agriculture and livestock, sustainable fisheries, ecotourism, or technological research. Colombia has a very complete framework that covers areas related to the bioeconomy under its bio-fuels policy, the Colombian Low Carbon Development Strategy and the Green Growth and its Circular Economy policy. In Guyana, bioeconomy-related activities are included in the Carbon Development Strategy and Green State Development Strategy. In several countries, these activities are governed by laws focusing on the development of the Amazon region – for instance, the Peruvian Law Promoting Investment and Development of the Amazon Region.

Sub-national governments in Brazil and Peru have also embedded bio-economy promotion in their regional strategies. In Peru, Amazon regions have developed Regional Sustainable Development plans. For instance, San Martín and Ucayali have both development plans that include a conservation-sustainable production social inclusion approach. In Brazil, Amazon states have also adopted different sectoral plans touching bioeconomy-related activities.

Almost all countries have national forest incentive schemes for both restoration and conservation. Many of the incentives are targeted to indigenous peoples or local communities (e.g. Brazil's Bolsa Verde; Peru's Direct Conditioned Payments to Communities; Ecuador's Sociobosque). In some countries, these forestry incentive schemes have a long tradition, such as Colombia's Forestry Incentive Certificate. Suriname is the only country where no national forestry incentive has been identified, although the country hosts forest incentives programs developed by international NGOs in support of conservation. Despite the existence of forestry incentives and the countries' commitment to them, limited national financial budgets and frequently cumbersome administrative procedures for accessing forestry incentives means that fewer beneficiaries than expected have benefited from them.

Payment for Ecosystem Services (PES) legislation exists both at the national and sub-national level. Brazil, Colombia, and Peru have legislation on payments

for environmental services while Ecuador has specific schemes that implement PES (the Sociobosque Programme). In the case of Colombia, the legislator has even introduced a quantitative method for calculating the minimum incentive payment for environmental services for conservation and restoration in strategic ecosystems. In Brazil, the states of Acre and Amazonas also have legislation on environmental payments. Guyana and Suriname do not have legislation on PES, although Suriname is considering its development and Guyana is developing a framework for PES within the context of its REDD+ strategy.

Most countries do not have comprehensive plans for sustainable agriculture. Brazil is the exception, with its Plan for Low Carbon Agriculture. In other countries, such as Ecuador, sustainable agriculture is included in policies linked to the support of small farmers and ranchers, especially indigenous peoples, with references to the development of sustainable agriculture practices, including family agriculture, ecological production, and productive-rural partnerships.

Legislation and sustainable supply chain policies are at an early stage of development and are often focused on specific products, with national laws coexisting with voluntary schemes. Brazil, Peru, Colombia, and Ecuador are the countries with the most supportive regulatory frameworks in relation to sustainable supply chain policies. Brazil also has a Supply Chain System and a voluntary System of Identification and Certification of Bovine and Bubaline Origin. In Colombia, there are a variety of strategies related to sustainable supply chains, which are regulated by the Law on Agriculture Innovation and Supply Chains. In its approach to promoting sustainable supply chain, Colombia also includes sustainable cattle under its National Policy for Controlling Deforestation and Sustainable Forest Use and is currently developing a National Policy for Sustainable Bovine Livestock. This same approach of supporting sustainable cattle is being followed by Ecuador.

Most countries have sustainable supply chain strategies focused on their main agricultural products. These products include coffee (Peru, Colombia, Ecuador) and cocoa (Peru, Colombia). Peru has recently approved innovative policies that reinforce the commitment to sustainable supply chains such as the Law Promoting the Reduction and Prevention of Food losses and Waste and the law on Promotion of organic and ecologic certification products. In the case of Guyana, the Vision 2040 development document establishes the promotion of the sustainability of sugar and rice production as key products to promote environmental sustainability. Despite the emerging policies, the sustainable supply chain of forestry and agricultural products continues to be an area for improvement at both the legislative and enforcement levels.

Policies in favor of sustainable tourism are beginning to emerge and are a priority for all countries. Although not all countries have specific legislation for the pro-

motion of ecotourism, many reference the concept in their tourism development plans or their general tourism laws. In Brazil, the 2018-2020 National Tourism Plan promotes the development of sustainable tourism policies at state level. In Colombia, the Sustainable Pact – which forms part of the National Development Plan – states the need to consolidate tourism as a sustainable and inclusive productive activity and the in 2020 country approved a Sustainable Tourism Policy defining tourism as an ecosystem service. In some cases, countries promote ecotourism in their natural areas, as in the case of Colombia, which has elaborated guidelines to promote ecotourism in the System of National Natural Parks. Guyana is also developing a strategy focused on community, nature, and adventure-based sustainability and eco-tourism. Peru has adopted legislation to promote community rural tourism and the country has implemented national programs (Al Turista, Lo nuestro) promoting the direct incorporation of local products (agricultural, livestock, fishery, handicrafts, etc.) in the provision of tourism services.

Frequently, fishing legal regimes cover both sea and rivers and are not effective in addressing the overexploitation of fish resources, misuse of water resources and water contamination that are frequent problems in Amazon rivers. In most analyzed countries the legal frameworks for the aquaculture and fisheries sectors are outdated and often obsolete. These sectors often lack the infrastructure, technology and technical capacity needed to thrive as sustainable industries. Certain countries have, nonetheless, adopted progressive regulation. Brazil has adopted national regulations to promote sustainable fishing aquaculture, while Peru has adopted a Regulation on Fisheries Management in the Peruvian Amazon.

Limited international legal frameworks governing shared waters can lead to conflict. In most cases, Amazon rivers and natural water reservoirs are common to more than one Amazon country. Numerous conflicts exist between Peru and Ecuador and Peru and Brazil on river resources. However, there are no bilateral agreements on transboundary waters that could ease such problems. Support in the negotiations of sustainable management of Amazon rivers agreements between countries could facilitate the implementation of bioeconomy activities.

2.2 Conclusions and areas for further analysis

The rapid assessment of the seven countries proposed to be included under the Programme has identified legal and policy frameworks that are broadly supportive of climate change mitigation, sustainable forest management, and the development of the bioeconomy. While the countries differ in their specific approaches and how complete their frameworks are, all have committed to addressing climate change and tackling deforestation and forest degradation and have adopted at least some laws and policies that aim to implement these commit-

ments. Each of the seven countries also recognizes the importance of activities related to the bioeconomy, including sustainable forest management, eco-tourism, and payment for ecosystem services. As such, the countries' legal and policy frameworks provide a solid basis upon which to build the Programme's activities.

The rapid assessment of the seven countries' legal and policy frameworks has also identified a number of potential risks and opportunities for the Programme. Key risks include insecure land tenure, overlapping land uses, and the prevalence of poor governance and illegal activities in forest areas across all Programme countries. There is also some way to go to fully operationalize REDD+ safeguards, which leaves communities vulnerable to economic activities concerning forests. At the same time, the limited technical and financial capacities to implement bioeconomy and sustainable forest management activities in the seven countries represent both a risk for the Programme and an opportunity to use Programme activities to strengthen capacities and complement government efforts.

Once there is greater clarity on the specific activities that will be implemented in each of the Programme countries, we recommend undertaking a more detailed analysis of the specific legal and policy frameworks relevant to the implementation of each of those activities. Issues that warrant additional analysis may include:

- The status of land and forest tenure in the specific areas targeted by the Programme, including identification of areas where tenure is insecure or where overlapping claims or land uses exist.
- Analysis of the different type of natural protected areas and their different status and land management rules considering these are areas of major significance in most Programme countries.
- Following up on climate change acts that are currently being developed and which will operationalize NDC commitments, such as National Adaptation Plans or regional climate change strategies.
- Detailed mapping of the frameworks and incentives for specific bioeconomy-related activities targeted, e.g. sustainable timber harvesting, non-timber forest products, agroforestry, sustainable agriculture, aquaculture, ecotourism, and payment for ecosystem services.
- Detailed analysis of all the implications of the legal regimes of concessions, indigenous and community land title and how such regimes could affect the implementation of bioeconomy projects. For instance, in Peru forest resources are allocated to communities under a cession title by the state that does not imply the transfer of property. This might limit the access of communities involved in bioeconomy projects to funding and concessional loans as they might be limited in the guarantees they can provide.
- Identification of the main pieces of legislation related with bioeconomy that countries intend to develop and for which they need assistance.



COUNTRY-LEVEL ANALYSIS

3.0 COUNTRY LEVEL ANALYSIS

3.1. Brazil

3.1.1 National legal regime related with UN Climate Change Convention in Brazil

Table 1

<p>National legal acts/ policies</p>	<p>Ratification of international climate agreements:</p> <ul style="list-style-type: none"> • Ratification of UNFCCC: 28/02/1994 • Ratification of Kyoto Protocol: 23/08/2002 • Ratification of Paris Agreement: 21/09/2016 <p>National Climate Change Laws</p> <ul style="list-style-type: none"> • National Law on Climate Change 12,187/2009 – regulated by Federal Decree No. 9,578/2018 • Decree 10,145/2019 • Complementary Law 140/2011 • National Law on Biofuels, RenovaBio No. 13,576/2017 • Other relevant laws from the environmental legal framework: National Environmental Policy Act No. 6,938/1981; Environmental criminal and administrative offences Law No. 9,605/1998; Access to environmental information Law No. 10,650/2003. <p>National climate change Strategy</p> <ul style="list-style-type: none"> • National Climate Change Plan Decree No. 6,263/2007 <p>Nationally Determined Contribution</p> <ul style="list-style-type: none"> • Submitted on 21/09/2016. Updated on 09/12/2020. • Adopted by Decree No. 9,073/2017. <p>National Adaptation Plan</p> <ul style="list-style-type: none"> • Established by Ministry of Environment Order 150/2016. <p>National Mitigation Plan</p> <ul style="list-style-type: none"> • Mitigation goals within strategy and legal framework. No separate NMP was found. <p>Gender Climate Change Legislation</p> <ul style="list-style-type: none"> • Ministry of Environment’s Internal Committee on Gender (MMA administrative ruling no. 287/2012) <p>Climate Resilience and Risk Strategy Primarily dealt with in the NAP.</p>
<p>Selected Subnational legal acts</p>	<p>As of 2016, 21 of the 26 states have climate change laws,¹ four states have emission reduction targets (SP, RJ, Mato Grosso do Sul and Paraíba). A few cities (e.g. RJ, SP) have implemented climate change policies.² This source summarizes the climate laws of all states as of 2019.</p>

¹ <https://www.climaesociedade.org/post/leis-brasileiras-mudancas-climaticas>

² https://www.edf.org/sites/default/files/brazil_case_study.pdf

<p>Main legal elements</p>	<p>Brazil has a comprehensive climate legal framework. It has ratified the most relevant international treaties, enacted a climate change law (12,187/2009) as well as regulated it via decrees (9578/2018; 10,145/2019), complementary laws (140/2011) and policies. Policy on climate change is government by the legal framework established by the National Law on Climate Change (12,187/2009). The law establishes sectorial action plans for mitigation and adaptation that aim to prevent and control deforestation in the Amazon, prevent and control fires, transition towards a low carbon agriculture, as well as reduce GHG emissions from the steel industry. The National Climate Change Plan (Decree 6,263/2007) covers mitigation, adaptation, research, as well as capacity building. It aims to increase the share of biofuels in national transport, reduce deforestation, as well as eliminate net loss of forested areas.</p> <p>Most states have also enacted laws at the sub-national level with a few of them including specific GHG emission reduction targets. At national level, an Inter-Ministerial Committee has been established to elaborate and implement the climate change umbrella framework (Decree 10,145/2019). Brazil has also submitted its updated NDC in December 2020, which confirms the targets of its previous NDC to reduce GHG emissions by 37 percent by 2025 (compared to 2005-levels), as well as adds a commitment to reach climate neutrality by 2060.</p> <p>While there are no specific gender climate laws, there are several policies that aim to improve the participation of women in environmental policymaking. Most significantly, the Ministry of Environment's Internal Committee on Gender was established by the ministry's administrative ruling no. 287/2012 to integrate gender perspectives in environmental policymaking, coordinate gender-related projects, evaluate and monitor implementation of goals.</p>
<p>Legislative and implementation gaps</p>	<p>From a legal standpoint, Brazil has often been praised for its well-developed climate legal framework. Nonetheless, recent legislative, administrative and budgetary decisions have created barriers to the implementation of climate legislation, in particular with relation to forest protection. In terms of the main climate legal framework, this weakening has been observed in the following:</p> <ul style="list-style-type: none"> • The updated NDC has increased baseline emissions, effectively reducing the ambition of the target. • The budget for the National Climate Change Fund (which implements the National Climate Change Plan) has been reduced significantly – it was cut from RS 436 million to 247 million in 2019. Other areas relevant for climate mitigation and administration have also dealt with budgetary cuts. • More instances of weakening will be dealt with in Table 2 below.
<p>Relevance for Amazon Bioeconomy Fund Programme</p>	<ul style="list-style-type: none"> • The National Law on Climate Change 12,187/2009, the Federal Decree No. 9,578/2018, the National Climate Change Plan Decree No. 6,263/2007 and the NDC describe the climate priorities, as well as mitigation and adaptation approach the government aims to take. This could help frame the interventions that could be supported under the GCF project.

3.1.2 National legal regime related with REDD+ in Brazil

Table 2

<p>National legal acts/policies</p>	<p>REDD+ National Strategy</p> <ul style="list-style-type: none"> National REDD+ Strategy (ENREDD+) established through Ordinance No. 370 includes: <ol style="list-style-type: none"> Action Plan to Prevent and Control Deforestation in the Amazon (PPCDAm) Action Plan to Prevent and Control Deforestation and Fire in the Brazilian Cerrado (PPCerrado) Plan for Low Carbon Agriculture (ABC) <p>General forestry law</p> <ul style="list-style-type: none"> Law on the Protection of Native Forests (Forest Code – Law 12,651/2012) Law on the National System of Conservation Units (Law 9,985/2000) Resolution 3/2020 of the CONAREDD+ <p>Land management legislation</p> <ul style="list-style-type: none"> Law on the Protection of Native Forests (Forest Code – Law 12,651/2012) Decree 10,592/2020 <p>Indigenous communities forest/land acts</p> <ul style="list-style-type: none"> ILO Convention 169 on Indigenous and Tribal Peoples: Ratified 25/07/2003 Articles 5, 231, and 232 of the Brazilian Constitution 1988 Terra Legal Program Law No. 11,952/2009 Terra Legal Program Law No. 13,465/2017 Law of Forest Administration No. 11,284/2006 <p>REDD+ safeguards regime</p> <ul style="list-style-type: none"> EMREDD+ is the legal basis for the development of the Safeguards Information System (SISREDD+). <p>REDD+ or forest benefit sharing schemes</p> <ul style="list-style-type: none"> ENREDD+ CONAREDD+ Resolution No. 6/2017 <p>Forest concession legislation</p> <ul style="list-style-type: none"> Law 11.284/2006 on rights of use of forest concession holders Law 8.666/1993 on compliance with tax, labour and social security obligations Environmental Ministry Decree no. 419/11 Law no. 6938/1981 and Law no. 12527/2011
<p>Selected Subnational legal acts</p>	<p>States and municipalities have the authority to legislate on forestry issues – all nine states in the legal Amazon have state environmental councils and subnational environmental agencies that aim to regularize land tenure and enforce the law. IBAMA has signed a series of cooperation agreements with state environmental agencies to delegate responsibilities related to licensing of forest clearing and approval of sustainable forest management operations (Public Forest Management Law 11,284/2006 and CONAMA resolution 378/2006).³</p> <p>As established in Table 1, most states have a climate change policy (which usually also integrates considerations for environmental conservation, forestry and sustainable development). Tocantins, for instance, has a Policy on Climate Change, Environmental Conservation and Sustainable Development.</p>

³ https://www.cifor.org/publications/pdf_files/OccPapers/OP-55.pdf

<p>Main legal elements</p>	<p>The REDD+ regime is steered by the national strategy ENREDD+ and implemented by the REDD+ Committee CONAREDD+. The strategy sets out the main goals in three pillars that include MRV and the distribution of payments, as well as establishes three action plans to reduce deforestation in the Amazon and Cerrado, as well as promote low-carbon agriculture (known as PPCDAm, PPCerrado, ABC). A committee to implement the strategy, CONREDD+ was created (Decree 10,144/2019). While a SISREDD+ is being developed in the country since 2015, it is not publicly available yet. CONREDD+ established the Thematic Advisory Board on Safeguards (including members of civil society), tasked with supporting the Ministry of Environment in the development of the SISREDD+.⁴</p> <p>The Forest Code is one of the main forestry legal instruments in the country. It protects a proportion of private land from deforestation and establishes that emission reductions through REDD+ can be converted into carbon credits. Resolution 3/2020 of the CONAREDD+ recognizes that voluntary forest carbon markets as complementary measures to reducing national emissions. The Forest Code also requires that rural properties be registered and publicly accessible under the Rural Environmental Registry (CAR), which is publicly available and includes digital maps and information about properties. Forest concessions are regulated by several legal instruments that aim to ensure compliance with tax, labour, indigenous and environmental laws. For instance, according to Law 11,284/2006, forest concession holders can only use timber resources and cannot use genetic resources, water resources, mineral resources, fisheries or wildlife nor commercialize carbon credits.</p> <p>Indigenous people are recognized in the Brazilian Constitution. While their permanent possession of the land they traditionally and permanently inhabit – as well as their exclusive right to use the natural resources – is guaranteed, the federal Government continues to hold ownership over the land and has the sole right to demarcate and allocate indigenous land. The Terra Legal Programme (Law No. 11,952/2009) seeks to address tenure insecurity by working to improve the process for allocating land use rights to local and traditional communities and smallholders and settlers living in federal public land. According to CONAREDD+ Resolution No. 6/2017, 40 percent of performance-based payments from emissions reductions must go to the federal government and indigenous lands, while 60 percent must go to the states of the Legal Amazon.</p>
<p>Legislative and implementation gaps</p>	<ul style="list-style-type: none"> • The 2012 review of the Brazilian Forest Code reduced the size of permanent preservation areas and legal reserves that must be maintained within private land. The review also provides a de facto amnesty for those who illegally deforested prior to July 2008. The Brazilian Supreme Court upheld most legislative amendments in 2018.⁵ • While the Terra Legal Programme is expected to improve the legalization of land titles on federal land there continues to be much overlap and land that has not been formalized. • Several legal and regulatory measures have been taken to reduce forest protection and open land for commercial use. This drives land speculation and deforestation.⁶ <ol style="list-style-type: none"> 1. A proposed law in May 2020 aims to provide amnesty to farmers that have squatted up to 2.5 thousand hectares of land within government-controlled reserves between 2011-2019. 2. FUNAI (indigenous agency) published normative instruction that loosens the rule for the legalization of invaded land. A certificate that proves land claimed is not in conflict with indigenous land can now be granted even if the land has been claimed by indigenous communities but not formally recognized. • Low capacity by government to enforce laws and regulations. • REDD+ negotiations have not been very inclusive (often do not integrate state and municipal governments, civil society, local actors like indigenous peoples and local communities). • Lack of regulatory framework for REDD+. • While the Escazu Agreement has been signed, it has not been sent to congress for ratification yet.⁷
<p>Relevance for Amazon Bioeconomy Fund Programme</p>	<ul style="list-style-type: none"> • Important to keep in mind SISRED+ has not been developed yet and thus presents a risk for new projects. • Important to consider state level legislation in more detail as this becomes important for the implementation of projects.

⁴ <http://redd.mma.gov.br/pt/component/content/article/90-assuntos/salvaguadas/991-entenda-o-sisredd-do-brasil?Itemid=0>

⁵ https://forestdeclaration.org/images/uploads/resource/NYDF2020_Goal_10_Assessment.pdf

⁶ https://forestdeclaration.org/images/uploads/resource/NYDF2020_Goal_10_Assessment.pdf

⁷ https://forestdeclaration.org/images/uploads/resource/NYDF2020_Goal_10_Assessment.pdf

3.1.3 National legal regime related with the promotion of bioeconomy in Brazil

Table 3

<p>National legal acts/ policies</p>	<p>National strategies for bioeconomy in agriculture, livestock, fisheries, mining, and forestry</p> <ul style="list-style-type: none"> • National Plan for the Promotion of Socio-Biodiversity Value Chains 2009 • National Strategy of Science, Technology, and Innovation 2016-2022 • National Programme for Biobased Agricultural Inputs (implemented by Decree No. 10,375/2020) • Programme Bioeconomy Socio-biodiversity 2019 • National Alcohol Programme (Decree No. 76,593/1975) • National Programme for the Production and Use of Biodiesel (PNPB) 2004 • Parliamentary Front for the Bioeconomy 2019 • National Economic and Social Development Strategy 2020-2031 <p>Payment for ecosystem services programs</p> <ul style="list-style-type: none"> • Forest+ Regulation No. 288/2020 of the Ministry of Environment • Forest+ Regulation 518/2020 of the Ministry of Environment • National Policy for Payments for Environmental Services Law No. 14,119/2021 <p>Forest incentives legislation</p> <ul style="list-style-type: none"> • Amazon Fund Decree No. 6,527/2008 • Bolsa Verde Decree No. 7,572/2011 • Public Forests for Sustainable Production No. 11,284 • IBAMA Normative Instruction No. 6/2018 <p>Eco-tourism incentives legislation</p> <ul style="list-style-type: none"> • Tourism Law No. 11,771/2008 • National Tourism Plan 2018-2022 <p>Sustainable agriculture incentives legislation</p> <ul style="list-style-type: none"> • Plan for Low Carbon Agriculture (ABC) established by EMREDD+ <p>Supply chains legislation</p> <ul style="list-style-type: none"> • Forest Code 2012 • Normative Instructions no. 6/2009 and no. 21/2014 of IBAMA • National System for Controlling the Origin of Forest Products (SINAFLOR) Normative Instruction 21/2014 • Supply Chain System (SCC) Resolution 6/2010 • System for Identification of Livestock (SISBOV) Decree No. 7,623/2011 <p>Sustainable fisheries act</p> <ul style="list-style-type: none"> • Fishing Code Law No. 11,959/2009 <p>Incentives addressed to indigenous local communities for sustainability practices National Policy for Payments for Environmental Services Law No. 14,119/2021</p>
<p>Selected Subnational legal acts</p>	<p>The areas dealt with in this table are also regulated at sub-national level. For instance, Acre (SISA 2010) and the Amazon (PESA 2010) have developed systems that monetise and sell emission reductions. States and municipalities have also created bodies competent of governing fisheries, agriculture, and forestry. In the case of fisheries, for instance, Rio Grande do Sul has enacted Law No. 15,223/2018 to promote the sustainable development of the fishing sector.</p>

<p>Main legal elements</p>	<p>Brazil promotes the investment in technological and scientific innovation to improve and enhance the sustainable use of the bioeconomy. The National Strategy of Science, Technology and Innovation 2016-2022 aims to enhance innovation for the use of bioeconomy products that contribute to nutrition, energy, and economic development. The focus of the bioeconomy has largely been on the bioenergy sector, although programs and incentives have also been developed that address agriculture. For instance, the Ministry of Agriculture, Livestock and Food Supply (MAPA) has launched the National Programme for Biobased Agricultural Inputs that aims to enhance the use of the bioeconomy via national agricultural inputs (and thereby reduce reliance on imported ones). Brazil also has a developed framework for payments for environmental services. A recent law (No. 14,119/2021) institutes the National Policy for Payments for Environmental Services (PSA) which aims to regulate, operationalize, and incentivise ecosystem services. Regulation 288/2020 creates the National Programme of Payments for Environmental Services (Forest+).</p> <p>There are also several legal instruments that promote the sustainable use of forests, fisheries, and agriculture, as well as tourism. The Amazon Fund promotes investments to use the Amazon region sustainably and promote the prevention and monitoring of deforestation. Bolsa Verde, a program established by law, aims to support families living in poverty by providing incentives for sustainable forestry activities. IBAMA instruction No. 6/2018 allows for the conversion of fines into services of preservation, improvement, or restoration of the environment. The ABC plan established by EMREDD+ provides loans for farmers wishing to implement sustainable agricultural practices. The national framework for tourism integrates sustainability considerations in its planning. The 2018-2020 National Plan of Tourism promotes the development of sustainable tourism policies at state-level. The national policy on the sustainable development of aquaculture and fisheries is found in the Fishing Code No. 11,959/2009. The management of fisheries is largely regionalized.⁸</p> <p>Supply chains are regulated via several legislative instruments. The Forest Code established rules for the registration of rural properties in the Rural Environmental Registry (CAR). SINAFLOR was launched in 2017 by IBAMA to control and monitor activities in the forest sector. While it is supposed to track forest commodities from source to sale, the current version is not capable of tracing the entire supply chain. The Supply Chain System is a database that aims to guarantee the traceability of timber products from source to sale. There is also a voluntary traceability system for livestock (SISBOV) that aims to identify and register the origin of individual cattle.</p>
<p>Legislative and implementation gaps</p>	<ul style="list-style-type: none"> • Challenges remain for the implementation of programs of payment for ecosystem services at state level. In particular, questions remain over how methodologies will be adjusted in relation to those established by the government at national level.⁹ • There is no mandatory traceability scheme for livestock and soy products. • IBAMA Instruction No. 6/2018 which allows for conversion of fines into services of preservation has the negative impact of making fines less dissuasive.
<p>Areas of further analysis</p>	<ul style="list-style-type: none"> • Check in more detail to what extent bioeconomy legislation includes indigenous people and local communities. • Check bioeconomy legislation at sub-national level in detail as these legal instruments will impact activities on the ground. • Assess the current state of the development of the payment for environmental services schemes at national and regional level.
<p>Relevance for Amazon Bioeconomy Fund Programme</p>	<ul style="list-style-type: none"> • Brazil's extensive legislation on bioeconomy provides a clear signal of the priority afforded to developing the bioeconomy in the near future. • Gaps in implementing policies related to the bioeconomy indicate Brazil could benefit from the technical assistance of the program to implement its policy objectives more fully.

⁸ <http://www.fao.org/3/cb0885en/CB0885EN.pdf>

⁹ https://globalcanopy.org/wp-content/uploads/2020/12/LittleBookofLegalFrameworksforREDD_EN.pdf

3.2 Colombia

3.2.1 National legal regime related with UN Climate Change Convention in Colombia

Table 7

<p>National legal acts/ policies</p>	<p>Ratification of international climate UN Climate Change regime</p> <ul style="list-style-type: none"> • Ratification of UNFCCC: Law 164 / 1994 • Ratification of Kyoto Protocol: Law 169 / 2000 • Ratification of Paris Agreement: Law 1844 / 2017 <p>National Communications to the UNFCCC</p> <ul style="list-style-type: none"> • Colombia has submitted three National Communications to the UNFCCC in the years 2001, 2010 and 2017. Article 22 of the Law 1931/ 2018 defined them as a key input for establishing climate policies in Colombia. <p>National climate change laws and policies</p> <ul style="list-style-type: none"> • Law 1931 / 2018. Climate Change Law. • Law 99 /1993. Law of the National Environmental System (SINA in Spanish). • Law 1450/2011. National Development Plan 2010-2014 ‘Prosperity for All’. • CONPES 3700/2011. Institutional Strategy for the articulation of policies and actions on climate change in Colombia. • Decree 298 / 2016. Decree that creates the National Climate Change System (SISCLIMA in Spanish) • Law 1819/2016. Carbon Tax Law. • Decree 926/2017. Offsetting mechanism of the Carbon Tax. • Law 1925 / 2019. National Development Plan 2018-2022 ‘Pact for Colombia’. <p>National Climate Change Policy (PNCC in Spanish):</p> <ul style="list-style-type: none"> • The formulation of the National Climate Change Policy started in the year 2014 and was completed on 2016. Article 16 of Climate Change Law (1931/2018) gave the PNCC a legal status. This policy has been further elaborated through four strategies: <ol style="list-style-type: none"> 1. The Colombian Low Carbon Development Strategy. 2. The National Strategy to Reduce Emissions from Deforestation and Degradation of Forests (REDD +). 3. The National Plan for Disaster Risk Management. 4. The National Strategy for Climate Financing. <p>Nationally Determined Contribution:</p> <ul style="list-style-type: none"> • The country submitted its first NDC in 2015 and updated its commitment in 2020. Article 15 of the Climate Change Law defines NDCs as one of the five instruments for managing climate change. <p>National Adaptation Plan:</p> <ul style="list-style-type: none"> • The National Climate Change Adaptation Plan (PNACC in Spanish) was designed in the year 2016. <p>Gender Climate Change Legislation:</p> <ul style="list-style-type: none"> • Although there is no specific legislation on gender and climate change, Colombia was one of the first countries to include a Gender approach for the achievement of the NDC goals. <p>Climate Resilience and Risk Strategy</p> <ul style="list-style-type: none"> • Law 1523/2012- National disaster risk management policy
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<p>Main legal elements</p>	<p>Colombia has developed a robust institutional and legal framework to address climate change. The 1991 Constitution has been considered an ‘Environmental Constitution’ because it recognizes the central importance of the environment and has included more than 49 provisions which aim to promote a sustainable development model.¹⁰</p> <p>After submitting its second national communication in 2010, the National Development Plan 2010-2014 ‘Prosperity for all’ proposed a series of policies to respond to climate change. The main four policy strategies created through this Law were: i) The National Plan for Adaptation to Climate Change; ii) The Colombian Strategy for Low-carbon Development; iii) The National Strategy for Reducing Emissions from Deforestation and Forest Degradation, and the role of Conservation of Forest Carbon Stocks, Sustainable Management of Forests and Enhancement of Forest Carbon Stocks (ENREDD+); and iv) The Strategy for Financial Protection in case of Disasters.</p> <p>The country submitted its first NDC in 2015, with a commitment to reduce 20 per cent of its greenhouse gas emissions (GHG) by 2030, and up to 30 per cent with appropriate international funding support. In 2020, the country updated its NDC, committing to of a 51 per cent reduction in emissions compared to the projected emissions in 2030. The NDC covers all emission sectors acknowledged by the Intergovernmental Panel on Climate Change; namely, industry, housing, waste, transportation, electricity, mining, hydrocarbons, agriculture, forestry, and land use.</p> <p>The Climate Change Law approved in 2018 seeks to reduce the country’s vulnerability to climate change and to promote the transition to a competitive, sustainable and low-carbon economy. This Law also established guidelines for addressing climate change and integrated in one document the different climate policies, institutions, processes and instruments. Moreover, it created several instruments including; i) coordination instruments such as sectorial, municipal, and district plans and the National Policy on Climate Change; ii) information instruments such as the National System of Climate Change Information, and the Forests and Carbon Monitoring System; and iii) economic instruments such as the Colombian ETS (Plan Nacional de Cupos Transables de Emisión de GEI in Spanish). A Carbon Tax was already in place in the country since 2016, and an offsetting mechanism since 2017.</p>
<p>Legislative and implementation gaps</p>	<ul style="list-style-type: none"> • Colombia’s recently updated NDC is one of the most ambitious in Latin America. However, to achieve this commitment, the country needs to align its climate and development policies and translate such objectives into laws and policies. The country does not clarify on its NDC how will reduce its dependency on fossil fuels or incentivize the transition to the low-carbon economy.¹¹ • Although Colombia has adopted several laws and policies that aim to strengthen the role of regional and local actors in climate action, the country must continue to strengthen the role of cities, departments, and rural municipalities and seek to involve more stakeholders in the process of achieving its climate targets.¹² • Colombia participates in multiple market mechanism and relies on various incentives of carbon markets to meet a significant portion of its national climate goals. The country has adopted a carbon tax that allows the use of national carbon offsets and intends to implement a national emissions trading. National carbon projects, including REDD+ will be eligible under the ETS as offsets. However, the country has the challenge of ensuring consistency among MRV systems, legal and institutional treatment. Equally, it is not clear how the government will regulate the interaction between the Carbon Tax and the future Colombian ETS. • The Climate Change Law needs further development through legal regulations. For instance, the Law for regulating the Colombian ETS has not been adopted.
<p>Areas of further analysis</p>	<ul style="list-style-type: none"> • To check to what extent the different regions and cities of the country have included provisions to address climate change within their development plans. • It is key to follow-up the development of sectoral policies that will be adopted to achieve the updated NDC target and to identify how the country plans to diminish its dependence on fossil fuels.
<p>Relevance for Amazon Bioeconomy Fund Programme</p>	<p>Colombia counts with one of the most solid institutional and legal frameworks in LAC to pursue climate change objectives. Climate change policies are integrated into national development policies. Bioeconomy areas are incorporated into the recent NDC. The NDC forestry and natural resources are a key element in Colombian international climate change pledges. The regulatory and policy climate change framework is aligned with the GCF’s Bio-economy project.</p>

¹⁰ Colombian Constitutional Court, Ruling 671/2001.

¹¹ See: <https://www.wri.org/blog/2021/02/colombia-NDC-shows-climate-action-leadership>

¹² See: https://cdkn.org/2019/06/feature-colombias-climate-challenge-to-jump-start-city-action/?loclang=en_gb

3.2.2 National legal regime related with REDD+ in Colombia

Table 8

<p>National legal acts/ policies</p>	<p>REDD+ National Strategy</p> <ul style="list-style-type: none"> • The National REDD+ Strategy, Forests, Territories of Life, Integral Strategy to control deforestation and manage forests (EIDCGB in Spanish). • Vision Amazonía (Since 2016). Pioneering implementation component of REDD+. • CONPES 4021. National Policy for controlling deforestation and sustainable forest use. <p>General forestry law</p> <ul style="list-style-type: none"> • Law 2 / 1959. Law on Forest Economy and Conservation of Renewable Natural Resources. • Decree 2811/1974. National Code on Renewable Natural Resources and the Protection of the environment. • Decree 2372/2010. National System of Protected Areas. • Unique Regulatory Decree 1076 / 2015. Regulatory Decree of the Environmental Sector. <p>Land management legislation</p> <ul style="list-style-type: none"> • Law 1454/2011. Organic Law of Territorial Planning. <p>Indigenous and afro-descendant communities forest/land acts</p> <ul style="list-style-type: none"> • Law 21/ 1991. Ratifies de 169 ILO Convention. • Law 70/1993. Recognizes the right of Afro-descendant communities to collective property over the land. • Decree 2164/1995. Recognizes collective ownership over indigenous lands. • Decree 1320 / 1998. Regulates the procedure for prior consultation with indigenous and Afro-descendant communities. • Law 1955/2019 articles 319 y 320. Establishes the payment for environmental services in lands owned by indigenous and Afro-descendant communities. <p>REDD+ or forest benefit sharing schemes</p> <ul style="list-style-type: none"> • Decree Law 870/2017. Established the payment for environmental services. • Decree 1007/2018. Regulated the payment for environmental services.
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Main legal elements

In Colombia, forests can be public, private, or collective property. Thus, the country has developed a strong regulatory framework to promote the sustainable use of forest by diverse actors. The first legal antecedent is the Law on Forest Economy and Conservation of Renewable Natural Resources (Law 2/1959). This Law created seven big 'Protective Forest Reserve Zones' and established the legal basis for the development of the forest economy and the protection of soils, waters and wildlife. This regulation was complemented with the expedition of the Code on Renewable Natural Resources (Decree 2811/1974), which defined the general legal framework for the economic exploitation of forests.

Seeking to create an economic incentive for reforestation, Colombia approved the Law 139/1994 created the Certificate of Forest Incentive, which was regulated through the Decrees 1824/1994 and 900/1997. The Unique Regulatory Decree of the Environmental Sector established the different types of forestry exploitation (unique, persistent, or domestic) and regulated forest permits (concessions, associations, and authorizations). In 2010, Colombia created the National System of Protected Areas, which is composed by seven types of conservation areas, including protective forest reserves for conservation and sustainable use. These reserves may be owned by public or private actors, and the development of different economic activities is conditioned to the environmental management plan of the area and the authorization of the environmental authority.

The Colombian legal system includes various laws to protect the collective areas inhabited by Afro-Colombian and indigenous communities. The country ratified the ILO 169 convention in 1991 and has issued several laws to ensure that the projects developed in their territories respect their own institutions and ways of life. Seeking to support the economic development of these communities the government has incentivized the implementation of payment for environmental services in their territories.

Colombia also has developed a strong institutional framework to combat deforestation and protect forest. Since the year 2010, Colombia started to design its National Strategy for Reducing Emissions from Deforestation and Forest Degradation (REDD+). As a result, the country has established its National REDD+ Strategy, which is called 'Forests: Territories of Life: Integral Strategy to control deforestation and manage forests (EIDCGB in Spanish)¹³. This is a trans-sectoral national policy covering key stakeholders from the public and private sector, which includes a rural development approach. Moreover, considering that the Amazon region is the major focus of deforestation, the government is developing the initiative 'Visión Amazonía' as the pioneering implementation component of the EIDCGB, which is piloting the first REDD+ activities in the country. In addition, the Supreme Court Ruling 4360/2018 declared the Amazon as a subject of rights and mandated that the Colombian government has the legal duty to protect this ecosystem and the communities that inhabit it. Thus, the enforceability and accountability of policies, programs, and strategies promoting deforestation can be demanded.¹⁴

¹³ Available at: <https://www.unredd.net/documents/un-redd-partner-countries-181/latin-america-the-caribbean-334/colombia-706/16790-bosques-territorios-de-vida-estrategia-integral-de-control-a-la-deforestacion-y-gestion-de-los-bosques.html?path=un-redd-partner-countries-181/latin-america-the-caribbean-334/colombia-706>

¹⁴ <https://www.dejusticia.org/en/column/amazonia-sujeto-de-derechos/>

<p>Legislative and implementation gaps</p>	<ul style="list-style-type: none"> • Colombia has not concluded the establishment and operationalization of social and environmental safeguards to implement the safeguard's framework in order to comply with the Cancun Agreement. • Colombia has not ratified the Escazú, Agreement, which is an important international instrument to ensure that the rights of native communities' and environmental defenders are protected. Moreover, it is a key tool for promoting participation and transparency. • The Colombian government has not been able to control deforestation in areas previously occupied by the guerrilla group FARC. • Although titling in favor of native and afro Colombian communities has largely progressed over the last year, there are still areas that have not been formally assigned to forest communities. • Conflicts concerning the overlaps between native/afro Colombian forest land titles and commercial concessions (mining, forestry) or with natural protected areas frequent. • Forest communities in the Amazon region continue to suffer obstacles to implement and advance sustainable forestry projects despite the existence of various national programs initiated under Vision Amazonia and the umbrella of the REM Programme to foster sustainable activities, such as sustainable livestock practices to halt deforestation.
<p>Areas of further analysis</p>	<ul style="list-style-type: none"> • Follow up and map de different policies and the measures that the national and regional governments will adopt to reduce deforestation in the Amazon • Unclear land tenure remains a problematic issue for the development of forestry and bioeconomy projects in Colombia. Thus, it is necessary to analyse the current state of the multipurpose cadastre.¹⁵ • Check existing incentive FINAGRO sustainable agriculture incentives as well as forest incentives to identify economic sustainable areas that need support.
<p>Relevance for Amazon Bioeconomy Fund Programme</p>	<p>Colombia national strategy to combat deforestation and support sustainable agricultural, livestock and forest development is robust and is already being implemented through various programs. This is aligned with the objectives of the GCF Bioeconomy Project. Of particular relevance for the GCF Programme is Visión Amazonía that sets the target of zero net deforestation in the Amazonia region. One of the subprograms under Vision Amazonia aims at addressing the drivers of deforestation associated to the expansion of the agricultural border. The government is focusing on sustainable production activities, on promoting the development of farmers association schemes, as well partnerships to access markets. The government has also adopted and credit lines to support such actions. All these Colombian initiatives and policies are aligned with the GCF's Bioeconomy project goals.</p>

¹⁵ <http://www.fao.org/in-action/herramienta-administracion-tierras/noticias/detail-events/es/c/1270001/>

3.2.3 National legal regime related with the promotion of bioeconomy in Colombia

Table 9

<p>National legal acts/ policies</p>	<p>National strategies for bioeconomy in agriculture, livestock, fisheries, mining and forestry</p> <ul style="list-style-type: none"> • CONPES 3510/2008. Guidelines for production of biofuels. • CONPES 3700/2011. Colombian Low Carbon Development Strategy. • CONPES 3934/2018. Green Growth. • Law 1925 / 2019. National Development Plan 2018-2022 'Pact for Colombia'. • CONPES 4004/2020. Circular Economy. • Bioeconomy Policy. Adopted in 2020.¹⁶ <p>Payment for ecosystem services programs</p> <ul style="list-style-type: none"> • Decree Law 870/2017. Established the payment for environmental services. • CONPES 3886/2017. National Payment for environmental services for the construction of peace. • Decree 1007/2018. Regulated the payment for environmental services. <p>Forest incentives legislation</p> <ul style="list-style-type: none"> • Law 139/1994. Created the Certificate of Forest Incentive. • Decrees 1824/1994 and 900/1997. Regulated the Certificate of Forest Incentive. <p>Eco-tourism incentives legislation¹⁷</p> <ul style="list-style-type: none"> • Law 300/1996. National Law on Tourism. • CONPES 3296/2004. Guidelines to promote ecotourism in the System of National Natural Parks. • Resolution 0531/2013. Guidelines for performing activities in the System of National Natural Parks. <p>Sustainable agriculture incentives legislation¹⁸</p> <ul style="list-style-type: none"> • Law 1876/2017 on Agriculture Innovation <p>Supply chains legislation / policies</p> <ul style="list-style-type: none"> • CONPES 3763/2013. Strategy for the competitiveness of coffee. • Tropical Forest Alliance 2017 – 2022. Global public-private partnership to achieve the zero-deforestation commitment in cattle, palm oil, and paper/pulp sectors. • Folu Colombia (Since 2017). Public-private partnership to support the reconversion of global food and land-use systems in support of the goals of the Paris Agreement and the Sustainable Development Goals. • CONPES 4021. National Policy for controlling deforestation and sustainable forest use. Includes guidelines for sustainable cattle. • National Policy for Sustainable Bovine Livestock (to be released soon)¹⁹ • nous and Afro-descendant communities.
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¹⁶ See: https://minciencias.gov.co/sites/default/files/upload/paginas/bioeconomia_para_un_crecimiento_sostenible-qm_print.pdf

¹⁷ See: <https://www.parquesnacionales.gov.co/portal/es/ecoturismo/fortalecimiento-del-ecoturismo-en-parques-nacionales-naturales/politicas-y-programas/>

¹⁸ <http://www.fao.org/3/as223s/as223s.pdf>

¹⁹ The technical bases for the design of this policy are available here: https://cgspace.cgiar.org/bitstream/handle/10568/103242/PGBS_Bases_Tecnicas_PNGBS_30.08.2019.12_AGOSTO.pdf?sequence=1

	<p>Sustainable fisheries act</p> <ul style="list-style-type: none"> • CONPES 3990/2020. Colombia as Sustainable Bioceanic Power. <p>Incentives addressed to indigenous local communities for sustainability practices</p> <ul style="list-style-type: none"> • Law 1955/2019 articles 319 y 320. Establishes the payment for environmental services in lands owned by indigenous and Afro-descendant communities.
<p>Main legal elements</p>	<p>Since the year 2017, the Colombia government has considered bioeconomy as a central element for productive reconversion within the framework of the Peace Agreement. And as such, it was one of the main pillars of the Green Growth Strategy Launched in 2017. In the year 2020, the government published the Policy for Bioeconomy in Colombia, which covers five main areas: i) biodiversity and ecosystemic services; ii) sustainable agriculture; iii) biomass and green chemistry; iv) health and welfare; and v) bio-intelligence.</p> <p>One of the economic mechanisms to promote bioeconomy in Colombia is the payment for environmental services. The first antecedent forestry incentive in the country is the Forest Incentive Certificate (CIF) developed in 1994. In the following years, the government implemented agreements and norms to promote natural conservation, but there was no national regulation or policy on payment for environmental services until 2017 with the issuance of the Decree 870/2017. According to the article 7 of this law, environmental services may consist of Carbon sequestration, watershed services, biodiversity maintenance, landscape beauty, cultural, and spiritual services. The government has promoted the payment for environmental services, especially in lands owned by Afro-descendant and indigenous communities.</p> <p>Regarding ecotourism, it was regulated through the Law 400 of 1996, which enshrines that this activity must be developed in harmony with natural and cultural resources to guarantee benefits for future generations. Later, the Sustainability Pact of the National Development Plan states the need to consolidate tourism as a sustainable and inclusive productive activity. In the year 2020 the Ministry of Commerce, Industry, and Tourism adopted the Sustainable Tourism Policy, which defines tourism as an ecosystem service. The objective of this policy is to improve Colombia's competitiveness as a tourism destination and to create a joint responsibility scheme in which stakeholders in the value chain guarantee to protect the country's natural capital.</p> <p>Other important sector to promote bioeconomy in the country is sustainable agriculture. The Law 1876 of 2017 established a new regulatory framework to plan, integrate, and implement three areas that have been disjointed in the Colombian agrarian policy: i) investigation and technological development, ii) capacity building for agrarian innovation, iii) regional support for smaller producers.</p> <p>The current National Development Plan 2018-2022 aims to promote bioeconomy as a tool for promoting the sustainable use of the country's natural assets and defines it as: <i>"the economy that efficiently and sustainably manages biodiversity and biomass, to generate new value-added products, processes and services, based on knowledge and innovation"</i>²⁰.</p> <p>Overall, Colombia has consolidated a robust policy framework for the promotion of bioeconomy. The country has adopted several policies and CONPES documents and is member of public-private partnerships to promote sustainable land use and supply chains.</p>
<p>Legislative and implementation gaps</p>	<ul style="list-style-type: none"> • The lack of institutional presence in rural and remote areas and the presence of armed groups represent important challenges to implement bioeconomy programs in the Amazon region. • There are no policies to support low-income populations dependent on extractive activities in their transition to a low-carbon economy. • The livestock and agricultural sectors as main drivers of deforestation need additional support of incentive mechanisms. • Despite the adoption of a Bioeconomy agenda, Colombia has not developed enough infrastructure, technology, and technical capacity to develop the concept. Bioeconomy needs to be translated specifically in a portfolio of specific projects.

²⁰ See: <https://id.presidencia.gov.co/especiales/190523-PlanNacionalDesarrollo/documentos/BasesPND2018-2022.pdf>

Areas of further analysis	<ul style="list-style-type: none"> • To what extent the design of the policy for the promotion of bioeconomy has considered the perspective of regional and local entities, and indigenous communities. (Top-down vs bottom-up approach). • Explore further government ideas on how bioeconomy objectives will be pursued and whether the Government has already prepared priority bioeconomy projects. • Assess the current scheme of payment for environmental services and check out areas in which the GCF's Bioeconomy project could sum up.
Relevance for Amazon Bioeconomy Fund Programme	<p>Colombia has established bioeconomy as a key instrument to promote sustainable development and take advantage of its natural capital. To do so, the country has set on its Bioeconomy Policy seven specific objectives, which align with those of the Amazon Bioeconomy Fund. In that sense, Colombia could benefit from the technical assistance and the resources of the GCF Bioeconomy project to strengthen its policy framework, create an environment for attracting private investments, and access private capital, especially in the Amazon region. In addition, the country has a variety of sectoral policies that related with the bio-economy areas integrated under the GCF's Bio-economy project.</p>

3.3 Ecuador

3.3.1 National legal regime related with UN Climate Change Convention in Ecuador

Table 10

National legal acts/policies	<p>Ratification of international climate UN Climate Change regime</p> <ul style="list-style-type: none"> • <i>Official Registry No. 562/1994: Ratification of UNFCCC</i> • <i>Executive Decree 98/2017: Ratification of the Paris Agreement</i> • <i>Executive Decree 371/2018: Adoption of the 2030 Sustainable Development Agenda</i> <p>National climate change laws</p> <ul style="list-style-type: none"> • No climate change law • Relevant environmental acts: <ul style="list-style-type: none"> • <i>Decree 012/2009: National Environmental Policy</i> • <i>Decree 495/2010: Creates the Interinstitutional Committee for Climate Change</i> • <i>Ministerial Agreement 95/2012: National Climate Change Strategy.</i> <ul style="list-style-type: none"> • Includes mitigation and adaptation plan • <i>Environmental Code (2017)</i> <p>Nationally Determined Contribution:</p> <ul style="list-style-type: none"> • First Nationally Determined Contribution Submitted on March 2019
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<p>Main legal elements</p>	<p>Ecuador has defined policies for mitigation and adaptation to climate change that are in line with its international commitments. The 2008 Constitution is a pioneer in recognizing the rights of nature to exist, persist, maintain and regenerate. The Constitution also includes the need of implementing mitigation actions to reduce GHG emissions and deforestation. The 2019 NDC embraces a gender-sensitive approach and aims at promoting sustainable, resilient, inclusive and low-carbon development.²¹ By means of the NDC, Ecuador has pledged to unconditionally reduce GHG emissions from BAU by 9% by 2030. Regarding LULUCF, the country aims at unconditionally reducing GHG emissions by 4%.</p> <p>The National Strategy for Climate Change (ENCC) sets the general institutional and legal framework for adaptation to and mitigation of climate change. It aims at furthering the inclusion of climate change in local policy and planning. The ENCC prioritizes five sectors, including agriculture and LULUCF, for targeted initiatives for mitigation of GHG emissions; and establishes expected results, guidelines, and national implementation mechanisms. The strategy is based on various guiding principles, including regional and international cooperation; consistency with international policies; environmental integrity; citizen participation; protection of vulnerable groups and ecosystems; and inter-generational responsibility.</p> <p>The Environmental Code is the principal policy tool for promoting intersectoral and inter-institutional articulation. The National Environmental Policy (PAN), develops a framework for activities related with the environment in Ecuador. This Policy is based on six components, each with its corresponding strategies, programs, and projects. The PAN, promoted the development of environmental indicators to be implemented in productive activities; integral management of ecosystems and adaptation to climate change.</p>
<p>Legislative and implementation gaps</p>	<ul style="list-style-type: none"> • Ecuador does not have a climate change law. • Ecuador has some relevant laws concerning climate change. However, the country lacks the institutional capacity for implementing climate change policies at the regional and local level. • The country lacks technical support to further the inclusion of mitigation and adaptation considerations in local planning policies and development of climate change legal acts.²² Ecuador also has limited information capacity relevant for the implementation of climate change related policies. For instance, the country has limited information for defining baselines and methodologies for climate change mitigation actions. • Ecuador has recognized the limited budget for the implementation of climate change strategies and legislation. Policies are developed without a defined budget allocation or financing considerations and no clarity on how they will be implemented.²³
<p>Areas of further analysis</p>	<p>Future implications of presidential elections in Ecuador. The leading candidate Andrés Araúz aims at continuing Rafael Correa's main policies. These include direct intervention in the economy, tackling neoliberalism and reduced intervention from multilateral organizations. The elections could further benefit climate change and sustainability policies as was done by Correa during his presidency. However, it may also shake up relationships with the international community.^{24 25}</p>
<p>Relevance for Amazon Bioeconomy Fund Programme</p>	<p>Ecuador has a number of laws that implement the country's commitment to sustainable low-carbon development. The country has prioritized forestry activities and sustainable management practices as a means to achieve NDC goals and economic development. However, the country requires financial and technical support to implement these activities. Ecuador has set a moderate unconditional GHG emission reduction goal that can be doubled if international support is received.</p>

²¹ República de Ecuador (2019). *Primera Contribución Determinada a nivel nacional para el Acuerdo de París bajo la Convención Marco de las Naciones Unidas sobre el cambio climático*. Available at: <https://www4.unfccc.int/sites/ndcstaging/PublishedDocuments/Ecuador%20First/Primera%20NDC%20Ecuador.pdf>

²² Ministerio de Ambiente (2017). *Tercera Comunicación Nacional del Ecuador sobre el Cambio Climático*. Available at: <https://www.ambiente.gob.ec/wp-content/uploads/downloads/2017/10/TERCERA-COMUNICACION-BAJA-septiembre-2017-ilovepdf-compressed1.pdf>

²³ Ministerio de Ambiente (2019). *Segundo resumen de información del abordaje y respeto de salvaguardas para REDD+ en Ecuador*. Available at: https://redd.unfccc.int/uploads/3252_1_segundo_resumen_informacion_de_salvaguardas.pdf

²⁴ <https://www.portafolio.co/opinion/otros-columnistas-1/elecciones-presidenciales-en-ecuador-y-elecciones-parlamentarias-cataluna-un-mensaje-rafael-herz-549276>

²⁵ <https://www.dw.com/es/ecuador-elecciones-presidenciales-con-sobreoferta-de-candidatos/a-56444722>

3.3.2 National legal regime related with REDD+ in Ecuador

Table 11

<p>National legal acts/policies</p>	<p>National REDD+ Strategy</p> <ul style="list-style-type: none"> Ministerial Agreement 33/2016: REDD+ Action Plan –Forests for Good Living (<i>Bosques para el Buen Vivir</i>) 2016-2025 <p>General forestry law</p> <ul style="list-style-type: none"> Unified Text for Secondary Environmental Laws- Third Book: Includes the forestry regime (2003) Forestry and Natural Areas and Wild Life Conservation Law (2004) Amazonia Territory Planning Law (2017) <p>Land management legislation</p> <ul style="list-style-type: none"> Law Framework for Territorial Planning, Use and Land Use Management (2016) <p>Indigenous communities forest/land acts</p> <ul style="list-style-type: none"> Law for Rural Land and Ancestral Territory (2016) <p>REDD+ safeguards regime</p> <ul style="list-style-type: none"> No law on REDD+ safeguards National Interpretation of Safeguards Safeguards Information System (SIS) Escazú Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and de Caribbean: Ratified on May 21, 2020. <p>Forest concession legislation</p> <ul style="list-style-type: none"> Unified Text for Secondary Environmental Laws- Third Book: Includes the forestry regime (2003) <i>Ministerial Agreement 128/2006</i>: Regulation for sustainable forest management of Andean Forests <i>Ministerial Agreement 244/2007</i>: Regulation for sustainable forest management of dry forests <i>Ministerial Agreement 139/2010</i>: Procedure for authorization of timber extraction from natural forests <i>Ministerial Agreement 125/2015</i>: Regulation for sustainable forest management of wet forests
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Main legal elements

In order to promote development and halt deforestation, Ecuador has implemented a national REDD+ policy. The National Action Plan for REDD+ (PA REDD+), establishes that only the national jurisdiction can directly benefit from REDD+. The sub-national level can only benefit indirectly from REDD+ through distribution of benefits.²⁶ The management of forests and forest ecosystems, including REDD+, remains within the exclusive prerogative of the national government. PA REDD+ is comprised of four strategies and five operative elements. The strategies include measures and actions to be taken to halt deforestation; whereas the operative elements define management and implementation actions. The four strategic components include²⁷:

- Policies and institutional capacity: Provide an enabling environment at the institutional level, that allows for articulation between relevant institutions and adequate zoning and territorial planning.
- Transition to sustainable productive systems: Aims at reducing deforestation derived from the expansion of the agricultural frontier, by means of traceability and certification systems and technical assistance.
- Sustainable forest management: Is based on the promotion of bioeconomy as an alternative source of income for communities whose livelihoods depend on forests.
- Conservation and restoration: Promotion of active and passive restoration of degraded ecosystems and increase carbon reservoirs by increasing the forest cover.

A REDD+ safeguard framework has been developed, in accordance with the Cancun Agreement. It recognizes the role of indigenous people, local communities, women, and other vulnerable population. The PA REDD+ includes a guideline on the principles for consultation for the implementation of REDD+ projects. The Safeguards Information System (SIS) aims at monitoring the enforcement of safeguards in REDD+ projects. The SIS has an architecture and initial design defined, but it is not operational yet.²⁸ Reporting of enforcement of safeguards is based on the information systems already in place, so mainly the SIS uses data from institutions implementing REDD+ activities. The REDD+ national framework includes a gender-sensitive approach and emphasizes the importance of furthering participation of priority groups such as women.²⁹

The National Forestry Regime aims at promoting sustainable development and poverty reduction. For this purpose, it includes amongst its objectives the implementation of incentives and subsidies a territorial planning Programme and the need for safeguarding forestry investment. Finally, the Organic Law for Rural Land and Ancestral Territory aims at regulating use and access to land as a means for guaranteeing food sovereignty. It recognizes and titles land for local, indigenous communities and afro-Ecuadorian groups.

The Forestry and Natural Areas and Wildlife Conservation Law protects the country's natural heritage and assigns to the Ministry of Environment the management rights over national resources. The Unified Text for Secondary Environmental Laws (TULAS III), states that when the national government does not have the capacity to use forest resources, it can be done by other entities or public companies. Forestry concession contracts apply to areas larger than 1000 hectares and will be granted pursuant to public tender processes. Furthermore, the TULAS III states that landowners with natural forest cover are bound to protect and conserve them in accordance to the law and any other norms issued by the Ministry of Environment. The country also has special regulations for wet forests, Andean forests and dry forest. Each of these norms establishes criteria for sustainable use of forests and legal requirements, such as an Integral Management Plan and Sustainable Forest Management Programmes.³⁰

The above-mentioned documents, must be approved in order for landowners to obtain licenses for forest use and timber cut. Existence of frequent overlaps between mining concessions and forestry areas. The government continues to issue mining concessions in forestry protected areas. Consultation procedures to IP and local communities prescribed by mining laws are frequently non fulfilled.

²⁶ &Green (2018). *Ecuador JECA Report*. Available at: <https://www.andgreen.fund/wp-content/uploads/2018/03/Assessment-Report-Ecuador.pdf>

²⁷ Ministerio de Ambiente (2016). *Plan de Acción REDD+ Ecuador: Bosques para el buen vivir*. Available at: http://reddecuador.ambiente.gob.ec/redd/wp-content/uploads/2017/08/MAE_2016_11_21_ART_LIBRO_REDD_17_nov%202016.pdf

²⁸ Ministerio de Ambiente (2019). *Segundo resumen de información del abordaje y respeto de salvaguardas para REDD+ en Ecuador*. Available at: https://redd.unfccc.int/uploads/3252_1_segundo_resumen_informacion_de_salvaguardas.pdf

²⁹ Idem.

³⁰ FAO. *Resumen del Estado actual del manejo y Ordenación forestal del Ecuador*. Available at: <http://www.fao.org/3/j2628s/j2628S09.htm>

<p>Legislative and implementation gaps</p>	<ul style="list-style-type: none"> • There are several barriers in the implementation of REDD+ in Ecuador. Mainly, the country lacks the sufficient technical capacities to implement REDD+ strategic actions and measures.³¹ • Some forestry initiatives are leading to the privatization of forests, forbidding local communities to gather wood or medicinal plants available at specific sites.³² • The Information System for Safeguards (SIS) is not operational and requires further funding. It can be challenging to consolidate the information of different systems in a single platform. The National Forest Monitoring System (SNMB) is also in need of institutional capacity to serve as a full monitoring system for REDD+ implementation. • Lack of funding is dissuading the Ecuadorian Government from preserving forests. In 2007, President Correa implemented an oil moratorium in the Yasuní National Park, conditional upon the government raising at least half of the lost income of oil exports. In 2013, the moratorium was lifted and authorized Petroamazonas to extract oil from 300 hectares of the park. The construction of access roads has contributed to the expansion of deforestation to other areas of the park and increased deforestation rates, since the company is not complying with the boundaries stated.³³
<p>Areas of further analysis</p>	<ul style="list-style-type: none"> • The government of Ecuador is currently developing a National Guideline for Prior Consultation. This should be assessed once available. • Currently the national safeguard interpretation is under review. This update aims at furthering harmonization between REDD+ implementation framework and the national legal framework. This is especially relevant to impact evaluations undertaken for REDD+ implementation. • The country is already implementing a project on GCF REDD+ result-based payments for results of 2014.
<p>Relevance for Amazon Bioeconomy Fund Programme</p>	<p>Forestry and conservation policies and REDD+ is a national priority. Ecuador has managed to achieve a constant reduction in deforestation rates since 2000. The country is eager to embrace support for programs/projects fostering its REDD+ strategy axes. The NDC depicts forestry and natural resources as one of the main sectors to contribute both to mitigation and adaptation pledges. Agriculture and LULUCF represent key areas of the NDC. Actions expressed in the NDC are aligned with national development policies and fit into the GCF's Bio-economy objectives.</p> <p>The GCF Bio-economy project would be aligned to other projects in which Peru participates, such as Amazonia 2.0, an initiative to strengthen local government capacities in forest management through a community oversight model. It has been implemented in South American countries including Ecuador, Perú, Colombia, Brazil, Suriname, and Guyana.</p>

³¹ Ministerio de Ambiente (2019). *Segundo resumen de información del abordaje y respeto de salvaguardas para REDD+ en Ecuador*. Available at: https://redd.unfccc.int/uploads/3252_1_segundo_resumen_informacion_de_salvaguardas.pdf

³² Idem.

³³ Antonio José Cardona (2018). *La deforestación en la industria petrolera pone en riesgo al Parque Yasuní*. Available at: <https://es.mongabay.com/2018/04/ecuador-deforestacion-petroleo-parque-yasuni/>

3.3.3 National legal regime related with the promotion of bioeconomy in Ecuador

Table 12

<p>National legal acts/ policies</p>	<p>National strategies for bioeconomy in agriculture, livestock, fisheries, mining and forestry</p> <ul style="list-style-type: none"> • National Development Plan (2017-2021): Includes Bioeconomy as a tool for sustainable growth • REDD+ Action Plan: Aims at promoting sustainable forest management. • National Pact for Sustainable Bioeconomy <p>Payment for ecosystem services programs</p> <ul style="list-style-type: none"> • Socio Bosque Programme <p>Forest incentives legislation</p> <ul style="list-style-type: none"> • Incentives for Reforestation with Commercial Purposes (2014) • National Forest Investment Plan (2017) • Pact for our Forests (2018) • National Afforestation and Reforestation Plan <p>Eco-tourism incentives legislation</p> <ul style="list-style-type: none"> • Decree 2686/2002: Rules for sustainability and Eco-tourism • Strategic Plan for Sustainable Tourism PLENDETUR 2020 <p>Sustainable agriculture incentives legislation</p> <ul style="list-style-type: none"> • Organic Law for Agro Biodiversity, Seeds and Promotion of Sustainable Agriculture (2017) • The Agenda for the Productive Transformation of the Amazon • Sustainable Cattle Programme • Reactivation of Cocoa and Coffee Programme • Amazonia Integral Programme for Forest Conservation and Sustainable Production (PROAmazonía) <p>Sustainable fisheries act</p> <ul style="list-style-type: none"> • Organic Law for the Development of Aquaculture and Fisheries
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<p>Main legal elements</p>	<p>The policy framework recognizes and promotes bioeconomy initiatives as a key strategy for economic recovery after the pandemic.³⁴ The National Development Plan (NDP) (2017-2021) is oriented towards reducing extractive activities and promoting an economy based on bio-knowledge, sustainable use of natural resources and respect for local and traditional means of life. One of the policies to be implemented under objective three of the plan (guarantee nature for future generations), is the promotion of urban and rural economies, by means of the development of bioeconomy. The NDP is based on the traditional concept of “Living Well”, which implies the restructuring of the economy aimed at reducing dependence on extractive activities. Economic development must be based on biodiversity as a source of knowledge and as the basis for the transition towards a bioeconomy. Additionally, The PA REDD+ prioritizes actions towards promoting bio-businesses that produce non-timber products as one of its four strategic components.³⁵</p> <p>The country applies a variety of forestry incentives. The Incentives for Reforestation with Commercial Purposes Programme seeks to increase vegetative cover and conserve forests. It aims at bringing unproductive land into production by giving producers a non-refundable incentive and access to a forestry credit line.³⁶ The Programme seeks to create a timber industry in the country and reduce the non-sustainable uses of native forests. Up to 2015, the Programme created 52,300 hectares of commercial plantations in the country. The Programme Socio Bosque (PSB) promotes forest and paramo conservation by means of providing incentives to farmers and indigenous communities that voluntarily commit to conservation and protection of forests.³⁷ Farmers and communities must register their land titles and comply with conditions established for the incentive.</p> <p>The Sustainable Cattle Programme aims at introducing sustainable practices and silvopastoral systems into the cattle ranching value chain. The Programme aims at overcoming three barriers to sustainable cattle ranching in the country:</p> <ul style="list-style-type: none"> • Lack of institutional framework to revert soil degradation, increase adaptation to climate change and reduce GHG emissions. • Current access to sustainable practices knowledge by farmers is low. • There are no monitoring systems in place for GHG mitigation initiatives.
<p>Legislative and implementation gaps</p>	<ul style="list-style-type: none"> • Unequal access to land and irregular land tenure can be a barrier for the implementation of bioeconomy policies. • The implementation of the ambitious sectoral climate change and bioeconomy policies and laws face limited technical capacities at the administration and population level. • The legal frameworks for the aquaculture and fisheries sectors are obsolete. These sectors also lack infrastructure, technology and technical capacity to thrive as a sustainable industry.³⁸ • Ecuador also requires a zoning strategy and effective application of planning laws in order to prevent further extension of the agricultural frontier.
<p>Areas of further analysis</p>	<ul style="list-style-type: none"> • Check existing initiatives, policies, and projects on which the GCF Bioeconomy project can be linked such as i) Sustainable palm oil crops, as a case study for sustainable production in Ecuador. Certification Programme for this crop aimed at halting the expansion of the agricultural frontier. • Payment for Ecosystem Services Programme implemented at the local level in Napo Province. The incentive has helped families diversify their income and protect the natural forest of the area. It also strengthened indigenous identity by including ancestral knowledge into the implementation strategy.
<p>Relevance for Amazon Bioeconomy Fund Programme</p>	<p>Ecuador has set up relevant legislation and policy that underpins the promotion of bioeconomy. Bioeconomy is mentioned specifically under the National Development Plan and the country has a National Pact for Sustainable Bioeconomy. In addition, Ecuador’s sustainable agriculture, forest conservation and ecotourism policies, Socio Bosque Programme and other forest incentives put the basis for the implementation of Bioeconomy activities. All these legal and policy frameworks are of relevance for the Amazon Bioeconomy Fund Programme. Overall, the land use sector in Ecuador will benefit from opening new markets and private sector investments.</p>

³⁴ <https://www.ambiente.gob.ec/ecuador-promueve-la-bioeconomia-como-una-estrategia-para-el-desarrollo-sostenible/>

³⁵ Ministerio de Ambiente (2016). *Plan de Acción REDD+ Ecuador: Bosques para el buen vivir*. Available at: http://reddecuador.ambiente.gob.ec/redd/wp-content/uploads/2017/08/MAE_2016_11_21_ART_LIBRO_REDD_17_nov%202016.pdf

³⁶ Ministerio de Agricultura, Ganadería, Acuacultura y Pesca (2014). *Programa de Incentivos para la Reforestación con Fines Comerciales*. Available at: <http://ecuadorforestal.org/wp-content/uploads/2014/06/SPF-FOLLETO-PIF-2014-050614.pdf>

³⁷ <https://www.ambiente.gob.ec/programa-socio-bosque/>

³⁸ Idem

3.4 Guyana

3.4.1 National legal regime related with UN Climate Change Convention in Guyana

Table 13

National legal acts related with the implementation of UN Climate Change Convention	
National legal acts/ policies	<p>Ratification of international climate UN Climate Change regime:</p> <ul style="list-style-type: none"> • Ratification of UNFCCC: 23 December 1994 • Ratification of Kyoto Protocol: 05 August 2003 • Ratification of Paris Agreement: 20 May 2016 <p>National Communications to the UNFCCC Guyana has submitted two National Communications to the UNFCCC (2001 and 2012) and currently preparing its third.</p> <p>National climate change laws: Currently, there is no climate change law. Nationally Determined Contribution Guyana submitted its NDC in 2015, focusing on the forest and energy sectors. Agriculture is treated as an adaptation issue. The NDC has an unconditional and a conditional commitment.³⁹</p> <p>Climate Change Action Plan -2001</p> <p>National Climate Change Policy and Action Plan 2020-2030⁴⁰</p> <p>Climate Resilience Strategy and Action Plan (CRSAP)⁴¹</p> <p>Gender Climate Change Legislation: Although there is no specific legislation on gender and climate change, the National Climate Change Policy and Action Plan recognizes the disproportional effect of climate change on women, and seeks to facilitate their inclusion in decision making and the implementation of actions to address climate change.</p>

³⁹ The unconditional commitment is:

- Forestry sector: improvement on sustainable forest management, continuation with high level of forest monitoring and finalize and implement a Voluntary Partnership Agreement (VPA) under EU- FLEGT.
- Energy sector: develop a mix of renewable energies to generate electricity.

The Conditional commitment is:

- Forestry: reduction of 48 MtCO₂ through the implementation of the Emission Reduction Programme, by promoting the use of reduced impact logging, avoided deforestation, improvement of mining methods and the conservation of an additional 2 million hectares.
- Energy: develop a 100% renewable power supply by 2025.

⁴⁰ <https://climatechange.gov.gy/en/index.php/resources/documents/50-draft-national-climate-change-policy-and-action-plan-2020-2030/file>

⁴¹ <https://www.lcds.gov.gy/index.php/documents/reports/national/self-assessment-and-action-plan/262-climate-resilience-strategy-and-action-plan-for-guyana/file>

<p>Main legal elements</p>	<p>Guyana ratified the UNFCCC in 1994. In 2001, the Climate Change Action Plan addressed Guyana’s commitments to the UNFCCC by developing a national program with actions to tackle climate change through mitigation and adaptation.</p> <p>In 2015, Guyana submitted its NDC, which covers the forestry and energy sectors. To achieve its climate commitments, Guyana has adopted several climate change and sectoral policies. The Low Carbon Development Strategy (LCDS) was succeeded by the Green State Development Strategy (GSDS) as the main framework to guide Guyana’s sustainable development. Some of the most relevant laws and policies that integrate the environmental institutional framework are:</p> <ul style="list-style-type: none"> • The Climate Change Adaptation Policy and Implementation Plan (2001), which seeks to support the Planning for Adaptation to Global Climate Change (CPACC) (developed to assist Caribbean countries in adapting to climate change). • The Climate Resilience Strategy and action Plan (CRSAP), which lays out a roadmap for multi-sectoral adaption and mitigation priority actions over the period 2015- 2020. • The National Climate Change Policy and Action Plan 2020-2030, which is the main instrument for unifying and coordinating national climate policy in Guyana. It provides a ten-year framework based on nineteen policy objectives addressing adaptation, mitigation, resilience, and risk reduction. • Guyana is signatory to the Regional Framework for Achieving Development Resilient to Climate Change (2009) and the Liliendaal Declaration (2009); an implementation plan was established to support Guyana’s regional policy, coordination, and reporting commitments within the former Framework. • The National Integrated Disaster Risk Management Plan, which seeks to guarantee that prevention and mitigation, preparedness and response, financial protection, and recovery capacity are in place to support Guyana’s high vulnerability to flooding, particularly in the coastal areas below sea level, and heavy and constant rainfall during specific periods.
<p>Legislative and implementation gaps</p>	<ul style="list-style-type: none"> • Although Guyana has developed climate change policies, the country does not have a Climate Change Law. Such a law could strengthen the development and implementation of the country’s climate policies. • Lack of local information and data weakens forecasting efforts on potential negative impacts from climate change. • One main area of weakness constraining the effective functioning of the OCC (Guyana Office of Climate Change) is the absence of an overarching policy to “pull” the various policies and strategies together as a cohesive whole for guiding climate mitigation and adaptation actions in the country. • An official policy on climate change could provide a formal grounding to support ongoing national climate change activities, both regulatory (in promotion of relevant laws, regulations, standards) and operational (in programme and project implementation, education etc.). • There is a lack of technical capacities and the national and subnational level to implement climate policies.
<p>Areas of further analysis</p>	<ul style="list-style-type: none"> • Follow-up of future laws and policies to support climate change policies. • Follow-up of sectoral plans to achieve the NDC’s commitments. • Considering that indigenous peoples own more than 14% of land, it is key to further study which policies are being implemented to include them in climate policies.
<p>Relevance for Amazon Bioeconomy Fund Programme</p>	<p>Its vast areas of forest situate Guyana in a privileged position to explore the potential of bioeconomy. Such strategy for development could contribute to foster the sustainable development of the country, while improving the living conditions of its people. Although the country has adopted several climate policies that support low-carbon development and bioeconomy, it still needs support to develop a cohesive climate strategy. Thus, the financial and technical support that the IDB could provide thorough the Bioeconomy Programme could be key for strengthening the country capacity to address climate change through sustainable economic activities.</p>

3.4.2 National legal regime related with REDD+ in Guyana

Table 14

National legal acts/ policies	<p>REDD+ National Strategy Guyana is developing its REDD+ Strategy under a participatory approach with national and local level stakeholders.</p> <p>General forestry law</p> <ul style="list-style-type: none">• Forests Regulations (1973)• Guyana Forestry Commission Act (2007)• Guyana Forest Act (2009)• Protected Areas Act (2011)• National Action Plan (NAP) to Combat Land Degradation (2015)• Guyana National Forest Policy Statement (2018)• The National Forest Plan and Policy in 2018 <p>Amerindian Act 2006. ACT No. 6 of 2006. The act provides recognition and protection of the collective rights of Amerindian Villages and Communities (citizen from Guyana that belongs to a native or aboriginal peoples).</p> <p>Forest concession legislation</p> <ul style="list-style-type: none">• Guyana Forest Act (2009) – Part 2 Sustainable Management of State Forest
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<p>Main legal elements⁴²</p>	<p>Forests cover more than 85 per cent of Guyana's territory and represent around 8 per cent of its national Gross Domestic Product. The first Forest Regulations of the country were adopted in 1973 and make provision for the cutting and removal of forest produce of state forests, the protection of trees, and licences for the establishment as sawmiller or timber dealer.</p> <p>The country adopted the Forest Act in 2009, seeking to promote the sustainable use of forestry through community participation. The Forest Act includes a declaration of Protected Areas and a Code of Practice. Moreover, it introduced the requirement of conducting a consultation before issuing licences for mining or petroleum exploration or exploitation. The Act also established that the Forestry Commission may enter into forest concession agreements, community forest management agreements, and afforestation agreements. Specifically, there are two types of forest concessions for harvesting under Guyana's regulations: i) State Forest Authorizations for small areas of state forest (less than 8,097 ha), which are granted on a bi-annual basis (with possibility of renewal; and ii) State Forest Authorizations for large areas (greater than 24,291 ha.), which are granted for a longer period of time (25 to 40 years).</p> <p>Although forests are largely state property, the Amerindians own more than 14% of land mass. The regulatory framework for managing their lands is the Amerindian Act of 2006, which recognizes the right of these communities to mine, or to veto any small or medium-scale mining activity on their titled land.</p> <p>In 2011, the Forest Act was implemented through the Guyanese National Forest Plan, the goal of which is to maintain or enhance the productive capacity of the forest. Between 2009 and 2015, Guyana entered into a performance-based payment agreement with Norway for forest conservation within the framework of Guyana's Low Carbon Development Strategy. The viability of this REDD+ model depends on the implementation of the National Forest Measurement, Reporting and Verification System (MRVS).</p> <p>Since 2010, Guyana's Low-Carbon Development Strategy has been key to accessing international finance for forest conservation under the Guyana REDD+ Investment Fund (GRIF). However, to take advantage of its forestry potential the country needs to adopt relevant laws and policies related to REDD+ programmes and activities.</p> <p>Considering that previous forest policies had suffered from low awareness and implementation, in 2017 the government started a participatory process to include stakeholders from communities, indigenous groups, and the private sector in the design of a new policy.⁴³ As a result in 2018, the government adopted the National Forest Plan and Policy, which aligned with the Green State Development Strategy, aims to sustain and enhance the economic, environmental and cultural benefits provided by forest. The Guyana Forestry Commission (GFC) plays a lead role in the implementation of this plan.</p> <p>Overall, further regulation is needed to increase the productivity and added value of the current forest concessions.</p>
<p>Legislative and implementation gaps</p>	<ul style="list-style-type: none"> • Mining activities represent a threat to forest conservation in Guyana. Although its impact on deforestation and forest degradation has decreased in the last few years, the lack of equivalent inflows from forest conservation activities leaves economic planners with little choice but to continue allocation of forested land to mining. • Relevant laws and policies related to REDD+ programmes and activities are required. Specially to align the policies of other sectors such as mining and agriculture. • There is no national system for monitoring REDD+ activities at national and sub-national levels. • There is a lack of economic incentives to implement sustainable practices for the exploitation of forest. • The main challenges for effective implementation of forestry policies and REDD+ in Guyana are: slow progress in solving land titling disputes and recognition of indigenous land rights, weak governance, and unclear tenure.⁴⁴ • Proper processes for Free Prior Informed Consent (FPIC) have not been fully implemented; rather, some communities were only passively informed and involved without proper consultation.⁴⁵

⁴² <https://forestlegality.org/risk-tool/country/guyana>

⁴³ <https://forestry.gov.gy/notional-forest-plan/>

⁴⁴ https://www.cifor.org/publications/pdf_files/OccPapers/OP-201.pdf

⁴⁵ https://www.cifor.org/publications/pdf_files/OccPapers/OP-201.pdf

Areas of further analysis	<ul style="list-style-type: none"> • Follow-up the development of further policies to address the role of mining and agriculture in deforestation. • Identify if there are private initiatives or business to provide environmental services. • Identify which are the procedures to integrate national and regional forest policies.
Relevance for Amazon Bioeconomy Fund Programme	<p>The most recent policy developments of Guyana reflect the desire of the country to value forest not only for timber, but also as a cornerstone of the national patrimony which provides several products and services. Although the country is developing a most robust framework to support this ambition, it still needs technical and financial support to develop enough incentives for the transition for a low-carbon economy. Our research identified that here is a lack of incentives for the sustainable use of forest, and the participation of Guyana in the Bioeconomy program could contribute to fill that gap.</p>

3.4.3 National legal regime related with the promotion of bioeconomy in Guyana

Table 15

National legal acts/policies	<p>National strategies for bioeconomy in agriculture, livestock, fisheries, mining and forestry</p> <ul style="list-style-type: none"> • Wildlife Conservation Management Act (2016) • Low Carbon Development Strategy (2009) • Green State Development Strategy (2018) <p>Payment for ecosystem services programs Opt-in mechanism within REDD+ (under design)</p> <p>Incentives addressed to indigenous local communities for sustainability practices Apart from the opt-in provision for indigenous communities, there are no other incentives for addressing the drivers of deforestation by encouraging behaviour change or adoption of sustainable practices.</p>
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<p>Main legal elements</p>	<p>Although there is no specific strategy or policy to promote bioeconomy, there are some legal and policy instruments that cover areas related to it:</p> <p>The Wildlife Conservation and Management Act aims to create a supportive mechanism for the protection, conservation, management, and sustainable use of wildlife.</p> <p>The Guyana’s Low Carbon Development Strategy (LCDS) establishes the country’s intention to transition to a low-carbon economy, focusing on reduced deforestation and degradation and investment in high priority low-carbon sectors such as aquaculture, ecotourism, and renewable energy.</p> <p>The Green State Development Strategy – Vision 2040 includes a set of strategic policy priorities to steer the country’s development over the next 20 years. This objective is broader than Guyana’s past development strategies and represents a more holistic approach to addressing the social, economic, and environmental challenges that the country faces. In particular, it not only aims to foster sustained economic growth that is low-carbon and climate-resilient but also to promote social cohesion, good governance, and sustainable management of natural resources. Some of the priority areas to achieve green and inclusive diversification of the economy are the following:</p> <ul style="list-style-type: none"> • Mining is not only the largest sector of the economy, but also the main driver of deforestation. Mining practices are outdated and have significant environmental impacts. Vision 2040 seeks to achieve higher standards of sustainability, safer operations, transparency, and governance in all natural resource extraction practices. • Timber production and processing represent a large share of GDP. These activities have struggled to transition to sustainable practices. Vision 2040 seeks to adopt new technologies and sustainable best practices to produce certified and sustainable timber products. • Fishing represents 2 per cent of Guyana’s GDP, but the growth of this sector has declined, potentially due to over-exploitation. On the other hand, aquaculture only represents 1 per cent of the total production of fish but has a great potential for growth. Vision 2040 aims that fishing and aquaculture sector adopts clear, evidence-based sustainability standards and practices for sustainable products to access international markets, improving the living conditions of the people. • Agriculture (sugar, rice, and non-traditional crops) has experienced a decline in Guyana’s economy. Vision 2040 aims that this sector achieves higher levels of productivity and sustainability by promoting the adoption of new technology, standards, and management best practices. • Ecotourism has been growing in Guyana since 2008. The country has an enormous potential for further growth in this sector due to its natural wonders and cultural heritage. The Guyana Tourism Activity is currently developing a strategy focused on sustainable forest focusing on tourism that is community, nature, and adventure based.
<p>Legislative and implementation gaps</p>	<ul style="list-style-type: none"> • Guyana is one of the lowest income countries in South America. Thus, it lacks the technical and financial resources to implement the policies needed to foster bioeconomy in the country. • Outside the bilateral agreement with Norway, Guyana is not exploring other opportunities for international cooperation or to participate in carbon markets. • There are no economic incentives for sustainable forestry practices. • Guyana still needs to develop its Measuring, Reporting, and Verifying System to ensure the integrity of its emission reduction efforts. • Indigenous peoples and local communities need support to strengthen their knowledge and capacity to participate and benefit in bioeconomy.
<p>Areas of further analysis</p>	<ul style="list-style-type: none"> • Follow-up the policies that Guyana will implement to advance on the goals of the Green State Development Strategy, especially regarding sustainable mining. • Participation of indigenous communities in the design and implementation of payment for environmental services schemes has been identified as an important challenge. It is recommended to explore this topic further. • Research if there are sustainable business models promoted by the private sector in the country.

Relevance for Amazon Bioeconomy Fund Programme	<p>Guyana’s large areas of forest, biodiversity, and abundant sources of water make it an ideal country to implement bioeconomy as a strategy for sustainable development. Moreover, the country has adopted clear strategies that aim to encourage sustainable practices in existing strong economic sectors (such as mining and agriculture) as well as identification of new areas to foster sustainable development (such as ecotourism and aquaculture). The country could benefit from its participation in the program, improving its technical capacity and regulatory framework.</p>
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3.5 Peru

3.5.1 National legal regime related with UN Climate Change Convention in Peru

Table 16

National legal acts/ policies	<p>Ratification of international climate treaties:</p> <ul style="list-style-type: none"> • Ratification of UNFCCC-Act N. 26185; • Ratification of Paris Agreement N^o 058-2016-RE • Climate Change Law Framework- Act N30754. <p>National Climate Change Laws</p> <ul style="list-style-type: none"> • Climate Change Law Framework- Act N30754. <p>National Climate Change Strategy: National Climate Change Strategy-Act N. 011-2015;</p> <ul style="list-style-type: none"> • National Strategy on Forest and Climate Change-Act 007-2016; Guidelines for Integrated Climate Change Management and the Climate Management Initiative-Act N. 090-2016; • Climate Finance Strategy under preparation. <p>Nationally Determined Contribution Updated NDC submitted in December 2020.</p> <p>National Adaptation Plan:</p> <ul style="list-style-type: none"> • Under preparation. Proposal has been published for public consultation. <p>National Mitigation Plan</p> <ul style="list-style-type: none"> • National Climate Change Strategy-Act N. 011-2015 (under review) <p>Gender Climate Change Legislation</p> <ul style="list-style-type: none"> • Gender and Climate Change Action Plan-Act N. N^o 012-2016 <p>Climate Resilience and Risk Strategy</p> <ul style="list-style-type: none"> • National Plan for Disaster Risk Management-Act N. 034-2014
Selected Subnational legal acts	<ul style="list-style-type: none"> • Regional climate change strategy, Loreto (under development). • Regional climate change strategy, Ucayali 2019-2022. • Regional climate change strategy, Madre de Dios 2017- 2021. • Many Amazonian regions have subscribed to the Rio Branco Declaration (reduction of 80% GHG conditional on financial support) and the Under2MOU.

<p>Main legal elements</p>	<p>Peru counts with a Climate Change Law Framework developed further by a regulation. The Climate Change Law Framework contains a clear distribution of competences among national, regional, and local entities, a climate change governance framework and stipulates the integration of climate change objectives in the rest of national policies. The law incorporates the mandate to the Ministry of Finance to include the analysis of climate risk and vulnerability, as well as the identification of climate change mitigation and adaptation measures in the formulation of public investment projects, in order to ensure the sustainability of state action.</p> <p>Regional climate change strategies have been drafted by many Amazonian regional governments. These regional climate change strategies are becoming more relevant given the role assumed by regional governments under the ongoing decentralization processes legal regime and the new climate change law. Equally many regions, especially amazon regions, are actively engaged in international forums to promote sustainable and climate change objectives. Such is the case for instance of Amazonas, San Martín, Ucayali, Huánuco, Madre de Dios and Loreto that are members of Governor’s Climate and Forest Task Force.</p> <p>The recent submission by the country of the NDC 2021-2030 states its objective of reaching carbon neutrality in 2050. The NDC mentions in general terms the areas under mitigation objectives. The mitigation pledges are both unconditional and conditional to international financial support. The adaptation areas under the new NDC are expanded and include areas that were already included under the previous NDC such as agriculture, forestry, fisheries and aquaculture, health, water, as well as new areas such as tourism and transport. The NDC equally expresses the effective support to market mechanism (Art. 6 PA). In this content, Peru has already executed in 2020 the Agreement Peru-Switzerland on cooperative approaches.</p> <p>The country has approved a very comprehensive gender and climate change strategy covering areas such as forests, water resources, food security, solid waste, health, risk management, education, and energy. However, it seems to be no follow-up on how this strategy has been implemented to date.</p>
<p>Legislative and implementation gaps</p>	<ul style="list-style-type: none"> • National Climate Change Strategy up to 2050 needs to be prepared. In addition, the country will need to review its sectoral policies to guarantee the fulfilment of NDC commitments. • The National Adaptation Plan is currently under preparation (existing NAP working document). • Current regional climate change strategies have a short temporal horizon. Most of these strategies need to be updated and should be planned till 2030, at least. • The country does not have a climate change risk and resilience strategy. It is not clear if the National Adaptation Plan will incorporate a resilience strategy or if the country plans to adopt a specific act. • The country does not have proper tools or mechanisms to incorporate the valuation of natural and forest resources. Peru has adopted only general Guidelines of on Public Investment Policy on Biological Diversity Biological Diversity and Ecosystem Services in three type of investment projects, namely, ecosystems, species and support to biodiversity sustainable uses (Act 178-2019 MINAM). Although the Ministry of Finance needs to perform in accordance with the Climate Change Law an analysis of climate risk and vulnerability in the formulation of public investment projects, specific methodologies and tools should be elaborated.
<p>Areas of further analysis</p>	<ul style="list-style-type: none"> • Check in detail the regional climate change strategies and assess content to identify priorities and compatibility with GCF. • Need to check with MINAM and MINAGRI the roadmap of each of the components included under mitigation in the NDC as well as the NAP. • Follow-up on the Climate Finance Strategy that will be drafted by the Ministry of Finance, for which the GCF’s Bioeconomy project could provide support.
<p>Relevance for Amazon Bioeconomy Fund Programme</p>	<p>NDC, National Climate Change Strategy and future National Adaptation Plan describe the path of the country’s CC priorities and serve to frame the interventions that could be supported under the GCF project. All the areas described in the GCF’s Bio-economy project proposal are included or related to areas under the new NDC and are objectives pursued by the National Climate Change Strategy and Climate Change Law Framework. The Strategy on Gender and Climate Change facilitates the GCF’s bioeconomy project’s intervention to support pro gender bioeconomy action.</p>

Table 17

<p>National legal acts/ policies</p>	<p>National REDD+ Strategy</p> <ul style="list-style-type: none"> • National Forest Conservation Programme (N°.008-2010-MINAM) • National Strategy on Forests and Climate Change (N. 007-2016-MINAM) • Intervention Strategy of the National Forest Conservation Programme for Climate Change • Guidelines for the Restoration of Forest Ecosystems and other Wild Vegetation Ecosystems (N. 083-2018-MINAGRI) <p>General forestry law</p> <ul style="list-style-type: none"> • Forestry and Wildlife Act, N. 29763 • Protected Areas Act N. 26834 • Legislative Decree that Establishes Measures to Fight against Illegal Logging Act. N. 1220 • Regulation of Forest Plantations and Agroforestry System Management Act Supreme Decree N° 020-2015 • National Forestry and Wildlife Policy N. 09 - 2013 <p>Land management legislation</p> <ul style="list-style-type: none"> • Law on private investment in the development of economic activities on land in the national territory and in rural and peasant economic activities on lands of the national territory and of the peasant and native communities (Act N. 26505); • Law for the Sustainable Use of Natural Resources (Act 26821-1997) <p>Indigenous communities forest/land acts</p> <ul style="list-style-type: none"> • Indigenous Communities and Agrarian Development Act of the Low and High Jungle (Decree-Law No. 22175) • General Law of Peasant Communities (Law No. 24656) • Demarcation and Titling of the Territory of Peasant Communities Act (Law No. 24657) • Law for the Protection of Indigenous or Original Peoples in Initial Contact (Law No. 28736) • Law on the Right to Prior Consultation of Indigenous or Native Peoples indigenous peoples (Law No. 29785). <p>REDD+ safeguards regime:</p> <ul style="list-style-type: none"> • There is only a roadmap for the development and implementation of safeguards management tools. <p>REDD+ or forest benefit sharing schemes:</p> <ul style="list-style-type: none"> • No specific act on REDD+benefit sharing • Law of Ecosystem Payment Services (Law N. 30215); • REDD+ benefit sharing plan under FCPF Carbon Fund Programme is being drafted. <p>Forest concession legislation</p> <ul style="list-style-type: none"> • Regulations for Forest Management (N. 018- 2015-MINAGRI); • Regulations for Wildlife Management (N.019-2015-MINAGRI); • Regulations for the Management of Forest Plantations and Agroforestry Systems (N. 020-2015-MINAGRI); • Regulations for Forest and Wildlife Management in Native Communities and Peasant Communities (N.- MINAGRI).
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<p>Selected Subnational legal acts</p>	<p>In conformity with the Forestry and Wildlife Act and decentralization laws the regional governments can implement plans, programs and activities related to afforestation, re-forestation, and forest and wildlife forest and wildlife management as public investment in accordance to national laws.</p> <p>Recent and on-going decentralization has resulted in the transfer of responsibilities for forestry, land use, and natural resource governance to the regional governments. Regional governments have approved a number of acts and guidelines concerning natural resources.</p> <p>Regional governments have also assumed competences in processes related with titling of land including the titling of lands in favour of indigenous peoples and local communities.</p>
<p>Main legal elements</p>	<p>Peru's forestry strategy is anchored both in forestry policies and a large legal body of forestry regulations. The main legal instrument, the Forest Law, has been developed under several regulations.</p> <p>Under Peruvian law, indigenous people (IP) have property titles over lands for agricultural and livestock use. In case of forest lands, indigenous people receive a cession in use of forest. This cession does not imply a transfer of title, and the IP community are not authorized to sell the forest land or using it for mortgage purposes. IP communities can exercise economic activities in forest land. In all cases, commercial use of forest products (timber and non-timber) subject to a forest management plan. There is a special case of protection of Indigenous People regulated under Law No. 28736-2006 that created the figure of Indigenous Reserves, which are territorial spaces inhabited by these peoples, to which special protection is provided to ensure their existence and integrity of isolated IPs. In areas of IP reserves, no economic activities are permitted -excluding equally forest activities-, unless it is in case of public need.</p> <p>The Peruvian concession regimes is quite detailed. Both individuals and companies can exploit forests via forest concessions. This applies as well to indigenous communities that want to exploit timber and non-timber products. In all cases, a management plan is needed</p>
<p>Legislative and implementation gaps</p>	<ul style="list-style-type: none"> • Many concessions forestry permits are not updated or are suspended due to changes in legislation or due to non-compliance. • The national interpretation of REDD+ safeguards has not yet been concluded; the country has not yet established a process for the design and implementation of a Safeguards Information System. • There is a multiplicity of categories of natural protected areas (up to ten) each with different land use regimes and natural resource exploitation. This might complicate the development of bioeconomy projects covering more than one category. • Forest land conflicts are common. There are frequent invasions in forest land of loggers in Amazon regions including in concession areas, sometimes ending in violent conflicts. There is a scarce control by regional authorities due to lack of technical and financial capacities. • The decentralization process has a number of deficiencies and this is affecting the implementation of the natural resources regimes. Regional governments have, according to law, powers in i) the area of forest management, including forest concessions) and ii) in processes of recognition of titling over rural properties including those of IPs. However, weaknesses in terms of technical and financial resources hinder the effective implementation of these powers. • Titling processes in favour of IPs reveals weaknesses. Processes of demarcation and titling in favour of IPs and local communities suffers serious deficiencies such as overlaps of IP areas with other categories (existing concessions, natural protected areas); complicated and long technical titling procedures; lack of capacities by regional authorities.
<p>Areas of further analysis</p>	<ul style="list-style-type: none"> • Deep analysis of national regulations -ex. national protected areas law- applicable to bioeconomy activities developed in forest areas. • Check of regional normative acts -ex. land zoning- applicable to bioeconomy projects. • Identification of areas with land conflicts or IP areas with no titling.

Relevance for Amazon Bioeconomy Fund Programme	<p>Peru has a national solid and well-established body for forestry and natural resources legislation that facilitates the execution of GCF Bioeconomy project objectives. The forestry concession system in Peru is anchored in solid bases and includes the promotion of bioeconomy activities.</p> <p>Forestry and land regional plans in Amazon regions are also highly relevant for implementation of GCF bioeconomy activities. The regional authorities in charge of environmental and natural resources management competences will be key for the implementation of bioeconomy GCF funded projects.</p>
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3.5.3 National legal regime related with the promotion of bioeconomy in Peru

Table 18

National legal acts/policies	<p>National strategies for bioeconomy in agriculture, livestock, fisheries, and forestry</p> <ul style="list-style-type: none"> • Vision of Peru to 2050 (2019) • Law promoting investment and development of the Amazon region (Law N. 30896) • Multisectoral and Intergovernmental Commission (MIC) for the development of the Amazon region (Law N. 30896) • National System of Multiannual Programming and Investment Management (Law N. 1252) • Guide for the Economic Valuation of Natural Heritage (2016) • National Competitiveness and Productivity Plan (2019) <p>Forest incentives legislation:</p> <ul style="list-style-type: none"> • Sustainable, Competitive, and Inclusive Forest Development Programme of the Peruvian Amazon Programme (2013) • Incentives for Forest Plantations (Law 2019); • Promotion of Private Investment in Reforestation and Agroforestry (Law N 28852). <p>Eco-tourism incentives legislation:</p> <ul style="list-style-type: none"> • Ecosystem Services Compensation Mechanisms (Law N. 30215) • Law on the promotion of community rural tourism (Law N. 3599) • Tourism Framework Law (Law N.29408) • Strategic National Tourism Plan. <p>Sustainable agriculture incentives legislation:</p> <ul style="list-style-type: none"> • Competitiveness Compensation Programme (Law N. 1077) • Incentive for the Strengthening of the Associative Forms of Agricultural Producers (Law No. 30975) • National Plan for Family Agriculture (N° 007-2019-MINAGRI). <p>Supply chains legislation:</p> <ul style="list-style-type: none"> • National Plan for the Development of the Cocoa-Chocolate Value Chain 2020-2030 (in progress) • Law promoting the reduction and prevention of food losses and waste (N. 30988); Finance Resolution SMV NO 033-2015-SMV/01 – incorporating additional annex to “corporate sustainability report”) • Promotion of organic and ecologic certification products (Law N. 29196); • Timber Forest Resources Traceability Act (2019) <p>Sustainable fisheries legislation:</p> <ul style="list-style-type: none"> • General Fishing Law (N. 25977) and Regulation (N. 012-2001) • Regulation on Fisheries Management in the Peruvian Amazon de (N. 0159-200).
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	<p>Incentives addressed to indigenous & local communities for sustainability practices:</p> <ul style="list-style-type: none"> • Forest Conservation Programme (Direct Conditioned Payments to communities). <p>Legislation on green bonds:</p> <ul style="list-style-type: none"> • No specific legislation on green corporate bonds. No specific policy on national green debt issuance.
<p>Selected Subnational legal acts</p>	<ul style="list-style-type: none"> • Regional Concerted Development plans. Different characteristics and objectives per region. Each region approves the Criteria and Priorities for Investment, including the areas to invest and the type of projects. • Many Amazonian regions are developing Regional Sustainable development plans. For instance, San Martin and Ucayali have both development plans that include a conservation-sustainable production social inclusion approach. • Amazon regions have developed different sectoral plans touching bioeconomy areas.
<p>Main legal elements</p>	<p>There is no specific strategy on promotion of bioeconomy. Yet there are several policy instruments, national strategies and legal acts that contain bioeconomy areas. In the recent document Vision Perú 2050, among its five objectives, the country includes sustainable management of nature and action against climate change and sustainable development with decent employment and in harmony with nature.</p> <p>A key legal act that underpins bioeconomy sector is the Law Promoting the Investment and Development of Amazonia Region. This law states that resources should prioritize environmental services, tourist infrastructure and national protection areas. The National Competitiveness and Productivity Plan has interestingly integrated natural infrastructure as one of its policy objectives.</p> <p>There is a new specific process for the investment in projects/programs based on the National multiannual programming and investment management system and repealing law n° 27293. National, regional, and local government will determine the gaps, as well as their prioritization criteria, within the framework of the sectoral policy. The formulation of a project/program is done through a technical file. There is a system to assess the correct financial execution of projects/programs.</p> <p>Sustainable supply chains is in the top agenda of Peru. The country has recently taken several initiatives to promote sustainable supply chains. Key agriculture products such as coffee and cocoa are the targets of sustainable supply chain national initiatives. Peru has recently passed a Law on Organic and Ecological Certification, a Timber forest Resources Traceability law, and legislation to reduce food losses and waste.</p> <p>Payment for Ecosystem Services has been legally adopted. Both the law and its regulation cover several types of areas for PES, clear setting up PES functioning and beneficiaries. Several policy and legal acts express the need to estimate the economic value of environmental resources. There are some basic guidelines for such valuation.</p> <p>The country has a few forest incentives to reforestation and sustainable agriculture practices and forest investment benefits frequently scattered in several pieces of legislation, which does not favour its identification. Peru has a long practice in implementing payments for forest conservation to indigenous (conditioned direct transfer payments - TDCs).</p> <p>Fisheries practices in Amazon rivers are regulated by the General law on fishing. The law recognizes small-scale or artisanal extraction activities, which is applicable to the native populations and communities of the Amazon. The only way to commercially exploit the resources is through a Fisheries Management Programme (MAPE) in accordance with Fisheries Master Plans. Native communities have a preferential right of access to the exploitation of hydrobiological resources. Regional Governments are called upon to carry out control and surveillance actions for compliance with fishing regulations.</p> <p>Sustainable tourism promotion is anchored in legislation and counts with several incentive frameworks. Turismo Emprende promotes the creation, development, and consolidation of tourism enterprises, providing financing for programs that relate to natural protected areas, cultural heritage or economic development. Al Turista, Lo Nuestro, Lo Nuestro, promotes the direct incorporation of local products (agricultural, livestock, fishery, handicrafts, etc.) in the provision of tourism services.</p> <p>There is no specific legislation or guidelines concerning the emission of green bonds. Emission of green bonds either by the state or private entities should be done in conformity with the Peruvian Securities Market Laws and related financial regulation. There are no restrictions for issuance of green bonds in legislation. COFIDE (Peruvian Development Bank) has already issued green bonds in 2019. The Government has announced a potential issuance of sovereign green bonds but has not yet disclosed the guidelines that will preside such issuance.</p>

<p>Legislative and implementation gaps</p>	<ul style="list-style-type: none"> • Vision Perú 2050 still needs to be translated into Post-2021 State Policies. The formulation of the Strategic Plan for National Development to 2050 referred to under Visión Perú 2050 is also pending. • Lack of existence of a general law on the promotion of sustainable agriculture and fisheries. • Sustainable supply chain approaches laws supporting key products for Peruvian economy such as coffee or cocoa are still missing. Lack of forestry enforcement laws leads to high percentage of illegal timber. Timber Forest Resources Traceability norm only introduced in 2019. • Fishing legal regime covers both sea and rivers and it is not effective in addressing problems related to overexploitation of river fish resources, misuse of water resources and water contamination (e.g., mercury). Frequently rivers are common to more than one Amazon country. Numerous conflicts between Peru and Ecuador and Peru and Brazil on river resources exist. No existence of bilateral agreements on transboundary waters that could ease such problems. • Except for Conditioned Direct Transfer Payments (TDC) to indigenous communities (TDC's), forest incentives legislation and conditions are not easy identifiable. • Lack of clarity on the impact of tourism legislation on eco-tourism activities. Despite the government interest in promoting eco-tourism initiatives there is no clarity on the effectiveness of the existing mechanism.
<p>Areas of further analysis</p>	<ul style="list-style-type: none"> • Understanding of current development to issue national norms for the promotion of agriculture sustainable products. • Understanding of legal support needs to set up national policies for issuance of green bonds. • Explore in detail all the regulations concerning conservation, restoration and sustainable agriculture products. • Understanding how to support the improvement of legal regimes governing Amazonian river resources management. Check possible areas of intervention to promote bioeconomy projects in Amazonian rivers. • Checking of legislation in the area of promotion of bio-combustibles in Amazonian regions. • Regional Concerted Development Plans and Regional Criteria and Priorities for Investment are relevant to identify regional interests and projects/programs that the Amazon regions intends to finance.
<p>Relevance for Amazon Bioeconomy Fund Programme</p>	<p>Although the country does not have a specific strategy on bioeconomy, Peru has a wide array of policies and legislation that encourage and promote bioeconomy areas. In this sense, the country has passed innovative policies on ecotourism, support for sustainable agricultural and forestry chains, forestry incentives, and payments for environmental services. Vision Perú 2050, the strategic framework for long-term Perú's development is anchored in sustainable economy and climate change objectives.</p> <p>Peru has also approved a regional Amazon development strategy focused on supporting programs and projects for the conservation and sustainable use of its natural resources. The GCF's Bioeconomy project is therefore in line with the objectives of the country's strategy. Regional development strategies are also in tune with GCF's Bio-economy interventions. The Peruvian government intends to issue green bonds to finance its green economy promotion policies, which also fits in with the activities of the Bioeconomy GCF project.</p>

3.6 Suriname

3.6.1 National legal regime related with UN Climate Change Convention in Suriname

Table 19

National legal acts/ policies	<p>Ratification of international climate UN Climate Change regime</p> <ul style="list-style-type: none">• Ratification UNFCCC: 14 October 1997• Ratification Kyoto Protocol: 26 September 2006• Ratification Paris Agreement: 10 July 2018 [Wet van 10 juli 2018, houdende goedkeuring van de “Paris Agreement”] <p>UNFCCC related documents</p> <ul style="list-style-type: none">• Second NDC: December 2019• Second National Communication on 15 March 2016• Environmental Framework Act 2020/97 [Wet van 07 mei 2020, houdende regels voor duurzaam milieumanagement (Milieu Raamwet)] <p>National climate change laws</p> <ul style="list-style-type: none">• No national climate change law. <p>National climate change strategy</p> <ul style="list-style-type: none">• National Climate Change Policy, Strategy and Action Plan for Suriname (NCCPSAP, 2015)• Policy Development Plan 2017-2021 (PDP, 2017) [Ontwikkelings Plan 2017-2021] <p>National Adaptation Plan_</p> <ul style="list-style-type: none">• Suriname National Adaptation Plan (NAP, 2019). <p>National Mitigation Plan</p> <ul style="list-style-type: none">• See NDC + NCCAP• Gender Climate Change Legislation• No dedicated gender climate change legislation or policy <p>Climate Resilience and Risk Strategy</p> <ul style="list-style-type: none">• No dedicated climate resilience and risk strategy or law
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<p>Main legal elements</p>	<p>The 2020 Environmental Framework Act has created a new framework for environmental protection and sustainable management, and implements the country's obligations deriving from the UNFCCC, Paris Agreement, and UN Convention on Biological Diversity. Policies developed in relation to climate change are coordinated by the newly established National Environmental Authority (NMA, Nationale Milieuautoriteit), which merges the two bodies that previously shared this mandate on environmental matters: the Cabinet of the President and the National Institute for Environment and Sustainable Development (NIMOS), Suriname's two most recent strategy documents that guide the country's climate and sustainable development policies are:</p> <ul style="list-style-type: none"> • The Policy Development Plan 2017-2021, identifying four pillars including Utilization and Protection of the Environment. This pillar covers the sustainable use of the economic value of the country's forests. • The National Climate Change Policy, Strategy and Action Plan (NCCPSAP, 2015) sets out the government's vision on how to tackle climate change mitigation and adaptation over the period 2014-2021. Covers sustainable forest management, agriculture, livestock and fisheries, mining, and tourism, among others Strategy to build sectoral and cross-sectoral climate resilience is one of the backbones of the NCCAP. <p>The country's second NDC builds on these policy documents and is thereby integrated into the country's wider policy context, strengthening links with sectoral policies. The NDC covers forests, electricity, agriculture, and transport. Targets include: maintaining 93% of its forest cover and the development of climate-smart farming. Suriname was the second nation globally to outline updated NDC. Gender impact was one of the criteria used in the assessment of NDC policies and measures.</p> <p>Recently, Suriname has also adopted a National Adaptation Plan (NAP, 2019) contributing to an integrated approach to climate resilience and sustainable economic development. The NAP indicates six strategic priorities, including integrating and mainstreaming climate change adaptation in broader economic development. Priority sectors include forestry, energy, agriculture, and tourism.</p>
<p>Legislative and implementation gaps</p>	<ul style="list-style-type: none"> • Suriname has developed climate change policies, but no national climate change law is in place. Such a law could strengthen the development and implementation of the country's climate policies. The 2020 Environmental Framework Act is a step in the direction of creating a more holistic legal infrastructure. • The country itself has also identified a lack of legislation to guide climate compatible development. In its second NDC, Suriname has voiced its ambition to enact effective legislation reflecting climate compatible development, as an instrument to regulate and guide the State to implement climate policy. • Suriname has communicated it is currently unable to set an economy-wide climate target, but that it will work towards developing a comprehensive package of climate policies and measures in different sectors.
<p>Areas for further analysis</p>	<ul style="list-style-type: none"> • Follow-up on future legislative acts that might be passed to support climate change policies. • Follow-up of sectoral plans in development of NDC's commitments.
<p>Relevance for Amazon Bioeconomy Fund Programme</p>	<p>Suriname's Second NDC, NCCPSAP, PDP and NAP together provide the framework for the country's mid-term strategy to mitigate and build resilience to climate change. The Second NDC covers forestry and agriculture, whereas the NCCAP and NAP set out envisaged actions for sustainable forest management, agriculture, livestock and fisheries, mining, and tourism, among others. The PDP furthermore refers to the sustainable use of the economic value of the forests in Suriname, including through compensation for forest preservation and recovery through the GCF. Consequently Suriname's climate policies are in line with the activities that are intended to be carried out under the GCF's Bioeconomy project.</p>

3.6.2 National legal regime related with REDD+ in Suriname

Table 20

National legal acts/ policies	<p>REDD+ National Strategy:</p> <ul style="list-style-type: none">• National REDD+ Strategy of Suriname (2019). <p>General forestry law and policy and land management legislation</p> <ul style="list-style-type: none">• Environmental Framework Act 2020/97 [Wet van 07 mei 2020, houdende regels voor duurzaam milieumanagement (Milieu Raamwet)]• National Mangrove Strategy Suriname (NMS, 2019)• Environmental Assessment Guidelines Volume I (2009)• National Biodiversity Strategy (2006)• National Forest Policy (2005)• Forest Management Act (1992) and corresponding Ministerial Decrees• Mining Decree (1986) <p>Indigenous communities forest/land acts</p> <ul style="list-style-type: none">• Land Property Act (Decreet Beginselen Grondbeleid-1982). <p>REDD+ safeguards regime</p> <ul style="list-style-type: none">• No specific legislation on REDD+ safeguard regimes. <p>REDD+ or forest benefit sharing schemes</p> <ul style="list-style-type: none">• No legal arrangements on benefit sharing in place yet, but the country is planning to develop these. <p>Forest concession legislation</p> <ul style="list-style-type: none">• Forest Management Act (1992) and corresponding Ministerial Decrees.
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Main legal elements

The Ministry of Physical Planning, Land and Forestry Management is responsible for forest legislation, while the while the Foundation for Forest Management and Forest Control (Stichting voor Bosbeheer en Bostoezicht – SBB) is responsible for ensuring the Forest Management Act is enforced and as a result plays a key role in the management of production forests.⁴⁶

Suriname presented its National REDD+ Strategy in 2019, setting out four main strategic lines, including forest governance and land use planning. Central areas for development that are identified include the development and enhancement of forest and environmental laws and regulations, land tenure and land use planning. A National Forest Monitoring System (NFMS) has been established, which will be developed into a fully functional system over the coming years.⁴⁷ The adoption of a community engagement strategy for REDD+ and strengthening capacities of indigenous and tribal peoples in forest government is also foreseen. The 2020 Environmental Framework Act anticipates the further development of REDD+ in the country and stipulates that the National Environmental Authority will for example, oversee the benefit sharing criteria.

Within the current legal and policy framework, conservation policy places much of Suriname's forests under protection (~14% of Suriname's land territory)⁴⁸. Forestry related laws covers forest concessions (forest concessions, communal wood cutting permits, and incidental cutting licenses) and contains requirements to promote sustainable forest management for timber. It sets-out rules on export and licenses for forest harvesting, considering interests of forest dwellers, and conservation of biological diversity. Under the legal framework, Forest Management Act, forests can be designated as nature reserves, where specific ecosystems are protected (specially) protected forests, and through Ministerial Decrees 'special management areas' called Multiple Use Management Areas can be placed under the control of the Ministry of Spatial Planning, Land and Forest Management. In these special management areas, economic activity is allowed under certain conditions. Other designations include natural parcs, which allow for recreational activity, and (specially) protected forests, which enjoy the highest level of protection. Indigenous and Maroon communities can apply for a community forest permit, giving them rights to practice small-scale agriculture and harvest timber for subsistence and commercial purposes.⁴⁹ Since 2019, communities are required to present inventories and harvest plans, and commercial logging operators are now required to follow the same regulations as regular timber harvesting concessions.⁵⁰

The Environmental Framework Act (2020) establishes mandatory Environmental and Social Impact Assessments.

⁴⁶ Forest Legality Initiative. Risk Tool Suriname. Available at <https://forestlegality.org/risk-tool/country/suriname>

⁴⁷ National REDD Strategy of Suriname (2019)

⁴⁸ NIMOS, SBB and UNIQUE (2017). *Background study for REDD+ in Suriname: Multi-perspective analysis of drivers of deforestation, forest degradation and barriers to REDD+ activities*. Paramaribo, Suriname.

⁴⁹ Tropenbos Suriname (2019) *Improving the outcomes of community forests in Suriname. Recommendations for CSOs. Briefing Paper*.

⁵⁰ Tropenbos Suriname (2019) *Improving the outcomes of community forests in Suriname. Recommendations for CSOs. Briefing Paper*.

<p>Legislative and implementation gaps</p>	<ul style="list-style-type: none"> • Suriname has identified that its current legal framework has limited ability to ensure the sustainable use of forests and is working to strengthen its legal system. The adoption of the Environmental Framework Act is a major step, but subsequent legislation will need to be developed. The country has recognized the need to update its Forest Management Act of 1992, to strengthen the regulatory role of the state in forest management, providing more robust guidelines. The country needs though to update legislative provisions related to the Forest Management Act. Equally the country needs to update the the Nature Protection Act dating from 1954. • The lack of legal recognition for collective land right and lack of secure land rights are often seen as a barrier to sustainable land and forest management⁵¹ • Legislation continues to be fragmented and sectoral oriented, focusing on specific activities in different sectors.⁵² • Gold mining, mainly informal mining, is the main driver of deforestation in the country.⁵³ There is a lack of proper land use planning and forest and mining licenses and concessions overlap. Mining Decree only contains broadly defined provisions with regard to environmental protection and forest protection. The Decree is currently under review to take better into account environmental and social considerations. • Overlaps for land use concessions between Foundation for Forest Management and Production Control (SBB) and Land's Bosbeheer (LBB)⁵⁴. Moreover, in its National Policy Development Plan 2017-2021, and REDD+ Strategy, Suriname anticipates addressing the problems around the issuance of concessions, in particular with regard to the mining sector. • Law enforcement on avoiding forest degradation due to weak institutional capacity at national and regional level is missing⁵⁵.
<p>Areas of further analysis</p>	<ul style="list-style-type: none"> • Analyse specific issues related to the functioning of the concession system and the need for improvement. • Identify the appropriateness of the legal setting for the development of community concessions.
<p>Relevance for Amazon Bioeconomy Fund Programme</p>	<p>The REDD+ Strategy (2019) incorporates bio-economy objectives. The goal of promoting forest sustainable economic activities in favor of forest communities and local population is highly relevant for GCFs' Bioeconomy project. GCF's project could contribute to facilitate the access of indigenous and Maroon communities to community forest permit to develop sustainable forestry and agriculture practices and projects. The GCF's Bio-economy project could further contribute to advance the improvement of the legal framework in Suriname as well as the extension of forest community management.</p>

⁵¹ NIMOS, SBB and UNIQUE (2017).

⁵² The National Mangrove Strategy Suriname (NMS)

⁵³ NIMOS, SBB and UNIQUE (2017).

⁵⁴ NIMOS, SBB and UNIQUE (2017).

⁵⁵ NIMOS, SBB and UNIQUE (2017). *Background study for REDD+ in Suriname: Multi-perspective analysis of drivers of deforestation, forest degradation and barriers to REDD+ activities*. Paramaribo, Suriname.

Table 21

<p>National legal acts/ policies</p>	<p>National strategies for bioeconomy in agriculture, livestock, fisheries, and forestry</p> <ul style="list-style-type: none"> • Environmental Framework Act 2020/97 [Wet van 07 mei 2020, houdende regels voor duurzaam milieumanagement (Milieu Raamwet)] • Policy Development Plan 2017-2021 (PDP, 2017) [Ontwikkelings Plan 2017-2021] • National Climate Change Policy, Strategy and Action Plan (NCCAP, 2015) • Extractive Industries Transparency Initiative (member since 2017) • Maritime Zones Act 2017/41 [Wet Maritime Zones] • National Master Plan for Agricultural Development (2016) • Coastal Protection Act (draft) [Ontwerp-Wet Beschermd Kustgebied] • Timber Export Law 2005/29 [wet Uitvoerrecht op hout] • Seed Law 2005/29 [Zaadwet] • Sea Fisheries Act 1980 (updated in line with Maritime Zones Act) [Zeevisserijwet 1980] • Suriname HFLD Roadmap (2019) • Payment for ecosystem services programs • No programs currently in place, looking to be developed in the context of REDD+ and through carbon market instruments (including Article 6) <p>Forest incentives legislation and programs</p> <ul style="list-style-type: none"> • CI Community Conservation Programme • CI and WWF South Suriname Conservation Corridor • Newmont Suriname and Conservation International are designing a biodiversity offset program. <p>Eco-tourism incentives legislation</p> <ul style="list-style-type: none"> • National Strategi Tourism Plan 2018-2030 [Nationaal Strategisch Toerismplan 2018-2030] <p>Sustainable agriculture incentives legislation</p> <ul style="list-style-type: none"> • No specific legislation. FAO is providing assistance to Suriname with the preparation and implementation of a four-year agriculture sustainable development project since 2017. <p>Supply chain legislation</p> <ul style="list-style-type: none"> • No supply chain legislation currently in place. <p>Sustainable fisheries act</p> <ul style="list-style-type: none"> • The Surinamese Government cooperated with the Marine Stewardship Council to become the first certified shrimp fishery in the tropics adding to a fisheries management plan⁵⁶ <p>Incentives addressed to indigenous & local communities for sustainability practices</p> <ul style="list-style-type: none"> • CI Community Conservation Programme • CI and WWF South Suriname Conservation Corridor
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⁵⁶ ISEAL Alliance (2017) Suriname and MSC: Collaboration for certification. Available at <https://www.evidensia.eco/resources/231/suriname-and-msc-collaboration-for-certification/>

<p>Main legal elements</p>	<p>The overall development strategy of Suriname identifies the utilization and protection of the environment as a priority pillar. The country has a few policies in place that contribute to a sustainable bioeconomy by strengthening environmental components in bioeconomy fields, with the primary aim to increase climate resilience. The National Climate Change Policy, Strategy and Action Plan (NCCPSAP, 2015) states as its objective to achieve food security, safety and export is maintained and expanded in the context of a variable and changing climate. It also considers the introduction of environmentally friendly technologies for mining and sustainable land-use.</p> <p>The Policy Development Plan 2017-2021 for the Agriculture sector describes the sustainable expansion of agricultural production. New production clusters that are prioritized in this regarding include processing and/or use of residual wood and waste, non-timber forest products, and environmentally related use of the forests including compensation for forest preservation and recovery of rain forests (REDD+ and GCF).</p> <p>A number of initiatives that aim to promote sustainable forest management are ongoing. These include a Conservation International Community Conservation Programme which concentrates on climate smart management and production of community forest concessions, as well as a sustainable landscape approach to address deforestation and degradation; and the WWF and Conservation International South Suriname Conservation Corridor, which aims to establish 7 million ha of protected forest in cooperation with indigenous tribes.⁵⁷</p> <p>The 2018 National Strategic Tourism Plan prioritizes the development of sustainable tourism.</p>
<p>Legislative and implementation gaps</p>	<ul style="list-style-type: none"> • The country has not identified long-term development objectives beyond the five-year development plans. The current Policy Development Plan runs until 2021. • There is a lack of comprehensive policies at fostering bio-economy sectors, although the overall strategy is to ensure a sustainable use and management of the environment. • Whereas the country has a number of sectoral plans to develop a sustainable and resilient bioeconomy, these policy plans have generally not been translated into specific legislation or incorporated into existing sectoral legislation. The country will work towards assessing and addressing supply chain emissions in its next NDC update, based on its forthcoming Third National Communication.⁵⁸
<p>Areas of further analysis</p>	<ul style="list-style-type: none"> • Check recent changes on forestry legislation to identify provisions related with incentives to community forest management. • Check land management and land policy and its interaction with forest policies. • Check mining law and current state of the review of the legislation to address informal gold mining. • Bio-economy activities linked to mangroves might be interesting for GCF's Bioeconomy project.
<p>Relevance for Amazon Bioeconomy Fund Programme</p>	<ul style="list-style-type: none"> • Suriname's Policy Development Plan objectives give a strong indication of the country's priorities related to developing the bioeconomy in the medium-term. Long term objectives can be expected to follow similar patterns. In puts the utilization and protection of its environment and natural resources as a priority pillar (using the possibilities provided by its natural resources while protecting the environment) which closely aligns with the objectives of the Amazon Bioeconomy Fund Programme. • In the forestry and agriculture sector, Suriname is looking to generate additional revenues through, amongst other things, REDD+ support, access to resources through Article 6, or the use of carbon markets.

⁵⁷ Conservation International Community Conservation Program. Available at: <https://www.conservation.org/suriname/programs/community-conservation-program#39;s-protected-area-system>

⁵⁸ Second NDC.