

INDIA

Submission on the implications of the inclusion of reforestation of lands with ‘forest in exhaustion’ as afforestation and reforestation clean development mechanism project activities.

This submission is made by India in response to the document of the Subsidiary Body for Scientific and Technological Advice (SBSTA) FCCC/SBSTA/2010/L.15 dated 3rd December 2010, inviting Parties and admitted observer organizations to submit to the secretariat, by 28 March 2011, their views on the implications of the inclusion of reforestation of lands with forest in exhaustion’ as afforestation and reforestation clean development mechanism project activities

The Executive Board of CDM in its 50th meeting defined “Forest in exhaustion” as ‘area of land containing forest – established through planting, seeding and/or the human-induced promotion of natural seed sources- on 31 December 1989 and/or at the starting date of the project activity’. If the land at the starting date of the project activity is forest then, in absence of the project activity, it will be converted to non-forested land through final harvesting within [5] years of starting date of the project activity. If the land at the starting date of the project activity is non-forested land then, in absence of the project activity, it is expected to remain as non-forested land.

Decision 16/CMP.1 defines ‘Reforestation’ for the first commitment period as follows”

“Reforestation” is the direct human-induced conversion of non-forested land to forested land through planting, seeding and/or the human-induced promotion of natural seed sources, on land that was forested but that has been converted to non-forested land. For the first commitment period, reforestation activities will be limited to reforestation occurring on those lands that did not contain forest on 31 December 1989.

The Board in its 50th meeting further agreed that the legal implication of the above definition would be revision of Annex to Decision 16/CMP.1 of Land use, land-use change and forestry section D, Article 12, and introduction of the draft new paragraph 13 (bis)¹ as follows: “For the first commitment period, reforestation activities will be limited to reforestation occurring on those lands that did not contain forest or contained forest in exhaustion on 31 December 1989.”

An analysis of the part underlined in the paragraph above brings out the inherent contradiction in the stipulation related to eligibility of land for reforestation. Consider this underlined part in conjunction with the part underlined in paragraph 2 of the last page. By definition forest in exhaustion is an area of land containing forest on 31 December 1989. If this definition is put in the part underlined in the above paragraph prescribing eligibility of land, the activity of reforestation will be acceptable on both types of land- one that did not contain forest on 31 December 1989, and also the one that contained forest on 31 December 1989. The only difference being that the forest existing on the eligible land is intended to be forest in exhaustion

¹ The new draft paragraph is proposed to be added after the existing paragraph 13 that prescribes afforestation and reforestation as the only LULUCF activities eligible under CDM for the first commitment period.

(FE), i.e., the forest of plantation or natural seeding origin, but ultimately moving towards non-forested land after final harvesting within 5 years of beginning of the project activity.

If, despite the inherent contradiction in the stipulation of eligibility of land for acceptable reforestation activity, it is felt that the land containing FE should be included in the eligible category of land, it will be inappropriate to leave large expanses of degraded forest lands of natural seeding origin that are continuously but slowly moving towards non-forested status. The period may be, not five years, but earlier or later depending upon the intensity of degradation.

Para 13 of Section D relating to Article 12 in decision 16 CMP.1 limiting eligible activities under CDM only to afforestation and reforestation (A/R) activities of LULUCF for the first commitment period reads as follows:

“13. The eligibility of land use, land-use change and forestry project activities under Article 12 is limited to afforestation and reforestation.”

Clearly, as per the analysis given above, if land containing FE is considered as eligible for a CDM reforestation activity of LULUCF, it will be logical to make all lands containing degraded forests also eligible for CDM reforestation activity of LULUCF.

In view of the aforesaid, it will be appropriate that CDM A/R activity does not only encompass land of plantations (FE), but also the degraded natural forests. Land that contained natural secondary forest or degraded forest on 31 December 1989 should also be considered eligible as CDM reforestation activity for the first commitment period.

India, therefore, submits that lands containing natural secondary forest or degraded forest on 31 December 1989 should also be considered eligible for CDM reforestation activity along with lands containing FE provided that, in absence of the project activity, such lands are expected to become non-forested.
