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UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE

Subsidiary Body for Scientific and Technological Advice

Thirty-fifth session

Durban, 28 November to 3 December 2011

Item 10(c) of the provisional agenda

Methodological issues under the Kyoto Protocol

**Implications of the inclusion of reforestation of lands with forest in
exhaustion as afforestation and reforestation clean development mechanism
project activities**

**Views on the implications of the inclusion of reforestation
of lands with forest in exhaustion as afforestation and
reforestation clean development mechanism project
activities**

Submissions from Parties and relevant organizations

1. The Subsidiary Body for Scientific and Technological Advice, at its thirty-third session, invited 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.¹

2. The secretariat has received 10 such submissions. In accordance with the procedure for miscellaneous documents, the eight submissions from Parties² are attached and reproduced* in the languages in which they were received and without formal editing. In line with established practice, the two submissions from admitted observer organizations have been posted on the UNFCCC website.³

¹ FCCC/SBSTA/2010/13, paragraph 93.

² Also made available at <<http://unfccc.int/5901.php>>.

* These submissions have been electronically imported in order to make them available on electronic systems, including the World Wide Web. The secretariat has made every effort to ensure the correct reproduction of the texts as submitted.

³ <<http://unfccc.int/3689.php>>.

FCCC/SBSTA/2011/MISC.12

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* This submission is supported by Albania, Bosnia and Herzegovina, Croatia, Iceland, Montenegro, Serbia and the former Yugoslav Republic of Macedonia.

**Observations de l'Algérie sur le document UNFCCC/SBSTA/2010/L.15
Décision de la 16^{ème} Conférence des Parties**

Questions méthodologiques relevant du Protocole de Kyoto, plus précisément les incidences de la prise en compte du reboisement des terres forestières dont le sol est épuisé en tant qu'activités de projet de boisement et de reboisement au titre du Mécanisme pour un Développement Propre (MDP)

Cette question concerne le bilan de l'inclusion d'une nouvelle catégorie de terre, qui n'était pas prévue en tant qu'activité de boisement et de reboisement au titre du MDP.

Cette inclusion aura un impact dans l'extension des superficies boisées, une fois que les questions juridiques et techniques seront résolues.

Parmi ces questions techniques, il reste à définir de manière plus claire cette catégorie. La définition reste encore imprécise (« **les terres forestières dont le sol est épuisé** » s'entendent comme parcelles de terres recouvertes de forêt- créée par plantation, ensemencement et/ou promotion par l'homme d'un ensemencement naturel- au 31 décembre 1989 et/ou au début de l'activité de projet. Les **terres** recouvertes de forêt au début de l'activité de projet auraient été transformées, en l'absence de cette activité, en terres non forestières par abattage final dans les (5) ans suivant la date proposée de début de l'activité de projet. Les **terres** non recouvertes de forêt au début de l'activité de projet seraient restées des terres non forestières en l'absence de cette activité)

A remplacer par : « **terres forestières ou à vocation forestière se trouvant sur des sols appauvris** et dont la disparition par abattage (ou autre cause de déboisement) ou par un changement d'affectation en une catégorie autre que terre forestières aggraverait la dégradation du sol ».

L'intérêt de classer ces terres en tant qu'activité de boisement et de reboisement est de maintenir à la fois le couvert végétal et l'intégrité du sol.

Submission by Brazil

Implications of the inclusion of reforestation of lands with forest in exhaustion as afforestation and reforestation clean development mechanism project activities.

28th of March, 2011

1. The Government of Brazil, in response to the invitation to Parties contained in document FCCC/SBSTA/2010/L.15, paragraph 1, welcomes the opportunity to submit views on the implications of the inclusion of reforestation of lands with forest in exhaustion as afforestation and reforestation clean development mechanism project activities.
2. Brazil is of the view that the work under the SBSTA should aim at advancing discussions, primarily at the technical level, building upon the work undertaken by the CDM Executive Board, its Afforestation and Reforestation Working Group and Secretariat about the Implications of the inclusion of reforestation of lands with forest in exhaustion as afforestation and reforestation clean development mechanism project activities , in order to provide further clarification and information for consideration by policy-makers.
3. Brazil suggests that once the synthesis report based on the views submitted by Parties and admitted observer organizations is issued by the UNFCCC Secretariat, as per paragraph 2 of document FCCC/SBSTA/2010/L.15, an in-session workshop during the SBSTA thirty-fifth session should be undertaken to address major technical and scientific issues arising from suggested approaches on Implications of the inclusion of reforestation of lands with forest in exhaustion as afforestation and reforestation clean development mechanism project activities.
4. In order to provide technical and scientific information to be considered in the abovementioned synthesis report, Brazil presents the following Annex providing information and views on the implications of the inclusion of reforestation of lands with forest in exhaustion as afforestation and reforestation clean development mechanism project activities

Annex

Technical and scientific information and views of Brazil on the implications of the inclusion of reforestation of lands with forest in exhaustion as afforestation and reforestation clean development mechanism project activities

1) Introduction

In the Brazilian point of view, it is important to define and limit the potential objective associated with the discussion on the issue of forests in exhaustion”, taking into account the attached recommendation provided by the CDM Executive Board (CDM EB). Brazil believes this discussion will offer an important option for improving the eligibility criteria of lands for the development of new A/R CDM project activities, reinforcing the Kyoto Protocol’s environmental integrity and the CDM’s double objective.

Current eligibility criteria prevent the use of lands that contained forest plantations in the past, which were harvested and converted to non forested lands. Therefore, they restrict the use of the CDM to stimulate the establishment of new forest stocks on such non forested lands, through afforestation and reforestation practices. These lands should be eligible since the generation of new forests stocks on such sites would be a matter of additionality, not of eligibility.

The amount of lands that contained planted forests in developing countries in the past is quite significant. In this sense, current eligibility criteria provide an additional burden to mitigation activities by developing countries, as the supply of eligible lands for A/R CDM is unnecessarily restricted.

2) Understanding the technical rationale

Within the scope of silviculture, the concept of “replanting” or “reform” refers to the establishment of new forests in areas previously covered with planted forests, which have reached the final harvesting process or “exhaustion”. Differently from practices based on forest management or natural regeneration, the establishment of new forests in such exhausted areas requires anthropogenic intervention.

In regular intervals (rotations that vary according to the species at stake), the wood from production forests is harvested and a new period of growth of the same tree/forest begins. Such a new period of growth is based on the human-induced regeneration of the remaining sprouts on the remaining roots and stumps, which is commonly known as the “resprouting” process. For example, in some countries it is common to grow production forests for 2 or 3 rotations (7 years each) and the full production cycle may last for 21 years, based on the resprouting process. In the case of several species, there is not even the possibility of “resprouting”.

The number of rotations, enabled by human induced resprouting practices, and the existence period of planted forests are a function of the economic feasibility of wood production in a fixed portion of land, which, by definition, decreases and terminates over time. Hence, the decreasing productivity of the forest makes its maintenance in the same area unfeasible after the last rotation is conducted, or even before, depending on different species and circumstances. As such, one of the two alternatives below is expected to occur after the last rotation:

- The establishment of new forests for any purposes in the same area. In this case, new trees must be planted after the final harvest.

- The non-establishment of new forests in the same area. By definition, the old/exhausted production forests would be harvested to supply its respective end-use, and as such, one can conservatively conclude that the area at stake would be converted to other land-uses, as per the most likely regional economic scenario.

Harvesting is an expected fact since the establishment of the respective production planted forest. However, it is important to notice that the harvesting of planted forests in exhaustion does not hold an *a priori* relationship with the establishment of new forests in the same area, including through potential A/R CDM project activities. Thus, the possibility of using an area that contained planted forests in exhaustion for the purposes of establishing new forests shall not be restricted through eligibility criteria. Rather, it is a matter of baseline and additionality assessments, for which there are already clear and consistent rules.

If the abovementioned issues are not taken into account, the use of lands containing planted forests in exhaustion might not be allowed in A/R CDM projects, even if the assessment of baseline and additionality leads to the conclusion that the establishment of new forests in exhausted areas would not occur in the absence of the project. Therefore, even if areas that are temporarily covered with planted forests in exhaustion were converted to another land-use (e.g. pastureland), as per baseline and additionality assessments, it would be necessary to convert non-forested lands (e.g. pastureland) into new forests in order to enable the eligibility of an A/R CDM project encompassing new forests, inducing land-use change in two different localities in symmetrically opposed ways. In this case, additional environmental, social and economic impacts would also be unnecessarily generated.

3) Expected benefits

The eligibility of lands containing forests in exhaustion, as per the definition recommended by the CDM EB, is likely to generate several important benefits both in terms of mitigation potential and sustainable development, as follows:

- Increase in the amount of lands eligible for A/R CDM project activities:

In accordance with FAO⁴, more than 52 million hectares were covered with planted forests in developing countries in Africa, Latin America and South East Asia, in 1990, as per the table 01 below. A significant portion of these lands are located in Least Developed Countries (around 8.9 million hectares, which is more than the areas in Latin America and the Caribbean, for example). Current rules prevent the possibility of using of the CDM to create new forests stocks, for any purposes, on such lands after the forests are finally harvested or “exhausted”. The eligibility of lands containing planted forests in exhaustion could result in the re-utilization of part of such lands, consequently reducing the demand for other land-uses.

⁴ <http://www.fao.org/forestry/32041/en/>

Table 01 – Area covered with Forest Plantations in 1990.

Country/area	Area of forest plantations
	1990 1000 ha
Total Latin America and the Caribbean	8.707,00
Total East, South and Southeast Asia	32.009,00
Total Africa	12.057,00
Total	52.773,00
Total LDC's⁵	8.910,00

Source: FAO/FRA 2005

- Increase mitigation potential in developing countries.

In contrast to several Annex 1 countries, the mitigation potential in developing countries is often strongly related with the establishment of new forests stocks, given natural geographic features such as the occurrence of tropical or semi-tropical conditions. As such, the non-eligibility of lands containing planted forests in exhaustion further prevents developing countries from benefiting from the CDM in scopes in which they have good mitigation potential, such as in Scope 14 (Afforestation/Reforestation).

- Improve the balance between A/R and non-A/R CDM project activities.

The development of A/R CDM project activities is already limited by the cap in the use of tCERs or ICERs (1% x 5 from 2008 to 2012) and by market restrictions adopted by some Parties. As of March 16th 2011, there were only 21 registered A/R CDM project activities, which represent only 0.7% of the total amount of registered CDM project activities. By increasing the availability of land to the development of A/R CDM project activities, such a balance might also improve.

- Enhance the conditions for sustainable development co-benefits.

With the eligibility of lands containing planted forests in exhaustion, the CDM may trigger the establishment of new forests stocks on lands that had already undergone land-use change for productive purposes. It could prevent unnecessary land-use change, e.g. conversion of pasturelands or other agricultural lands into forested lands, avoiding the unnecessary displacement of economic activities in a country's territory. In addition, it also allows the CDM to provide incentives for the creation of sustainable sources of firewood, which contribute to the sustainability of the energy matrix of several developing countries that heavily depend on the use of biomass.

4) Potential interactions with other concepts and definitions

Brazil agrees with the CDM EB definition given that the eligibility of lands containing planted forests in exhaustion would meet all requirements contained in the modalities and procedures for A/R project activities under the CDM, if the provisions and revisions contained in its attached recommendation are taken into

⁵ The classification of LDC's has followed the criteria established by the United Nations Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and the Small Island Developing States (UN-OHRLS) <http://www.unohrls.org/en/ldc/related/62>

account. There would be no overlaps or significant conflicts with key issues and definitions, such as the ones presented below:

- Additionality and methodological issues:

As explained in Section 2 of this annex, the issue is not related to additionality. Rather it is a matter of eligibility. The fact that such lands may become eligible does not necessarily mean that all A/R CDM projects developed on them will be automatically additional. On the contrary, eventual A/R CDM projects developed on lands that contained planted forests in exhaustion would need to fulfill all baseline and additionality criteria, as in any A/R CDM project activity. In any case, baseline and additionality assessments will need to focus on the extent to which the new carbon stocks, generated through A/R practices on such lands, would be established regardless of the CDM. Naturally, supplementary methodological adjustments might be necessary for the comprehensive accounting of carbon in each applicable pool.

- Forest Management and scope of A/R activities eligible for the CDM

The eligibility of lands containing planted forests in exhaustion for the development of A/R CDM project activities does not result in the creation of a new category of A/R CDM project activities. Provided a proper definition such as the one recommended by the CDM EB is adopted, only lands in which new forests stocks triggered are established through planting, seeding or human-induced promotion of natural seed sources will be eligible for Afforestation and Reforestation CDM Project Activities. This would avoid the claiming of credits through forest management practices, e.g. enhancing existing forest stocks.

- Deforestation

The eligibility of lands containing planted forests in exhaustion poses no additional risk to stimulate deforestation in developing countries, since it does not allow for the conversion of natural forests to non-forested lands. On the contrary, the establishment of new forest stocks indirectly helps decreasing the pressure on native forests. Moreover, the objective should be to allow new and additional A/R activities on lands that were previously under a temporary economic use. The re-utilization of the same portion of land is a sustainable good practice and it should be encouraged.

ATTACHMENT

EXTRACT FROM THE ANNUAL REPORT OF THE EXECUTIVE BOARD OF THE CLEAN DEVELOPMENT MECHANISM TO THE CONFERENCE OF THE PARTIES SERVING AS THE MEETING OF THE PARTIES TO THE KYOTO PROTOCOL 4 November 2009

“65. In response to a request by the CMP (decision 2/CMP.4, para. 42), the Board conducted a study on the implications of the possible inclusion of reforestation of lands with forests in exhaustion as CDM project activities and agreed to the recommendation contained in annex I to this report.”

FCCC/KP/CMP/2009/16

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Annex I

Recommendation on the implications of the possible inclusion of reforestation of lands with forests in exhaustion as afforestation and reforestation clean development mechanism project activities, taking into account technical, methodological and legal issues

1. Following the request contained in paragraph 42 of decision 2/CMP.4, the Executive Board of the clean development mechanism has assessed the implications of the possible inclusion of reforestation of lands with forests in exhaustion as afforestation and reforestation clean development mechanism project activities, taking into account technical, methodological and legal issues.
2. The Board agreed that “forest in exhaustion” is an area of land that contained 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 the absence of the project activity, it would be converted to non-forested land through final harvesting within [5] years of the proposed starting date of the project activity. If the land at the starting date of the project activity is non-forested land then, in the absence of the project activity, it is expected to remain as non-forested land.
3. The Board further agreed that the legal implication of the above definition is a revision of decision 16/CMP.1, annex, section D, in order to introduce a new paragraph 13(bis) as follows: For the first commitment period, reforestation activities shall be limited to reforestation occurring on those lands that did not contain forest or contained forest in exhaustion on 31 December 1989.
4. The Board noted that if this revision is applied, reforestation of lands with forests in exhaustion would meet all requirements contained in the modalities and procedures for afforestation and reforestation project activities under the clean development mechanism in the first commitment period of the Kyoto Protocol.

China's Submission on the Implications of the Inclusion of Reforestation of Lands with Forest in Exhaustion as CDM A/R Activities

In the paragraph 1 of the document FCCC/SBSTA/2010/L.15, parties are invited to submit 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, China welcomes the opportunity for submitting its views.

China is of the view that CDM A/R activities are in general to encourage conversion of non-forested land to forested land. The proposal on inclusion of reforestation on the lands with forest in exhaustion as an eligible CDM A/R activity should address the following principles:

1. Any activity newly proposed to be eligible under current CDM A/R rules should be helpful for increasing forested land and encouraging sustainable forest management.
2. Any activities newly proposed to be eligible under current CDM A/R rules should not incentivize conversion of natural forests to plantations.
3. Any activities newly proposed to be eligible under current CDM A/R rules should not cause bigger change of existing CDM A/R rules.
4. Any activities newly proposed to be eligible under current CDM A/R rules should demonstrate its additionality.

China also is of the view that the ongoing discussion on forest in exhaustion is helpful for parties to have deep understandings of how forests contribute climate change mitigation, and what are the most effective ways for forests to achieve its mitigation potentials. However, the controversy in discussion on forest in exhaustion may be, to great extent, caused by the premature definition of forest in exhaustion, which does not clearly differentiate degraded forested land with forest in exhaustion. Therefore, China thinks the definition of forest in exhaustion should be further discussed and the consensus should be achieved under SBSTA, before taking further actions on whether or not including forest in exhaustion into CDM A/R activities.

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Paper no. 4: Ethiopia

Submission by Ethiopia on the Implications of the inclusion of reforestation of lands with forest in exhaustion as afforestation and reforestation clean development mechanism project activities.

28th of March, 2011

Ethiopia considers that this issue represents a great opportunity for non-Annex I countries to enhance the development of potential A/R CDM projects. The eligibility of lands that contained planted forests in exhaustion increases the amount of eligible lands for A/R CDM, without compromising the environmental integrity of the Kyoto Protocol and its definitions. We understand that the current rules unnecessarily prevent the use of lands that contained planted forests in the past, thus restricting mitigation opportunities in a key sectoral scope for developing countries, such as afforestation and reforestation.

Ethiopia, therefore, supports the recommendation proposed by the CDM Executive Board, as per its 2010 Annual Report, which defines Forests in Exhaustion as ***“an area of land that contained 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 the absence of the project activity, it would be converted to non-forested land through final harvesting within [5] years of the proposed starting date of the project activity. If the land at the starting date of the project activity is non-forested land then, in the absence of the project activity, it is expected to remain as non-forested land.”***

Additionally, we also suggest the preparation of a technical paper about this issue by the Secretariat, followed by a workshop in order to enable all necessary clarifications, with a view of adopting the recommendation by the CDM EB as soon as possible.

Paper no. 5: Hungary and the European Commission on behalf of the European Union
and its member States

Submission by Hungary and the European Commission on behalf of the European
Union and its Member States

**This submission is supported by Albania, Bosnia and Herzegovina, Croatia, Iceland, the
Former Yugoslav Republic of Macedonia, Montenegro and Serbia.**

Budapest, 23 March, 2011

**Subject: Views on the implications of the inclusion of reforestation of lands with forest in
exhaustion as afforestation and reforestation clean development mechanism
project activities**

1. The European Union and its Member States welcome the opportunity to share their views on the inclusion of the reforestation of areas with forests in exhaustion as an activity under the clean development mechanism.
2. The Executive Board's proposed definition of "forest in exhaustion" violates the definition of "reforestation" as contained in decision 16/CMP.1, applicable also for decision 5/CMP1).
3. Therefore, the EU cannot accept the recommendation provided by the Executive Board in its 2009 annual report (FCCC/KP/CMP/2009 Annex I) on the inclusion of reforestation of lands with forest in exhaustion as afforestation and reforestation CDM project activities.

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)⁶ 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 (FE), i.e., the forest of plantation

⁶ 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.

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.

**Japan's views on
the implications of the inclusion of reforestation of lands with forest in exhaustion
as afforestation and reforestation clean development mechanism project activities**

March 2011

Japan welcomes the opportunity to express its views on “the implications of the inclusion of reforestation of lands with forest in exhaustion as afforestation and reforestation clean development mechanism (A/R CDM) project activities” as invited by the Subsidiary Body for Scientific and Technological Advice (SBSTA) on its thirty-third session (paragraph 93 of FCCC/SBSTA/2010/13).

Afforestation and reforestation project activities should be promoted under operationally feasible modalities, rules and guidelines of the clean development mechanism (CDM). From this point of view, amendment to the modalities, rules and guidelines should aim to reduce uncertainties over implementation of project activities without increase in their complexity, as well as to promote emission reductions and enhancement of removals relating to land-use. While inclusion of lands with “forest in exhaustion” might expand possibility for land use, land-use change and forestry project activities, further clarification and consideration for its implication is required. Japan believes that issues listed below need to be further considered and clarified.

(1) Relationship between “forest in exhaustion” and “reforestation”

It is necessary that interpretation of “forest in exhaustion” be consistent with the definition of “reforestation”. However, it is not clear whether project activities on the land which contained “forest in exhaustion” indicate “the direct human-induced conversion of non-forested land to forested land” as defined in paragraph 1(c) of annex to decision 16/CMP.1.

(2) Timing of conversion of the forested land to non-forested land

In terms of paragraph 2 of annex I to the annual report of the Executive Board of the CDM (CDM-EB) to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (COP/MOP) contained in FCCC/KP/CMP/2009/16, conditions of projects could differ from each other by the timing of the conversion of forested land to non-forested land. For example, in case that “forest in exhaustion” means an area of land that contained forest on 31 December 1989 and/or the land at the starting date of the project activity is non-forested land, conversion of forest land to non-forest land before the starting date of the project activity could be accelerated. Another case could be assumed that vegetation would be naturally recovered in a few years after the final harvesting. From this point of view, it should be considered whether it is possible to objectively prove that the land would be converted to non-forested land at the point of time, through final harvesting within [5] years of the proposed starting date of the project activity without negative impacts, and demonstrate how the change in the emissions and reductions resulting from the project activity would occur.

(3) Inconsistency in the interpretations of “forest in exhaustion”

There seems to be an inconsistency between paragraph 2 and paragraph 3 of the annex I to the annual report of CDM-EB to the COP/MOP at its fifth session contained in FCCC/KP/CMP/2009/16. It is mentioned in the paragraph 2 that ““forest in exhaustion” is an area of land that contained forest ... on 31 December 1989 and/or at the starting date of the project activity.” However, the paragraph 3 refers only to 31 December 1989 with regard to the eligibility criteria. Such inconsistency will lead to confusion in clarifying whether “forest in exhaustion” is eligible for the reforestation CDM activities.

(4) Relationship with other forest related activities

It should be noted that concept of “forest in exhaustion” could overlap with the concept of “forest management” stipulated in paragraph 1(f) of decision 16/CMP.1 and “deforestation” stipulated in paragraph 1(d) of the same decision. Taking into account the ongoing LULUCF activities in Annex I countries, “forest in exhaustion” should be carefully considered so as to avoid the negative influence to the LULUCF activities and the existing review mechanism under the Article 8 of the Kyoto Protocol.

Japan recognizes that project activities on the lands with “forest in exhaustion” noted in the recommendation by the CDM-EB are presumed to be implemented as reforestation CDM project activities in the first commitment period. However, it should be noted that the treatment of land use, land-use change and forestry projects activities under the CDM after the first commitment period including afforestation and reforestation activities, and other forest related issues are negotiated in the AWG-KP and AWG-LCA, and that some decisions related to forests have been adopted by CMP. Japan believes that issues on “forest in exhaustion” should be carefully discussed in such a way as to avoid duplication of works.

Deputy Executive Secretary
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Dear Sir

Early Submission of Information and Views

This has reference to your letter ODES/ COP 16/ 10 dated 12th January 2011 regarding the early submission and views. I am pleased to submit the following views of the Government of Sri Lanka.

14. Implications of the inclusion of reforestation of lands with forest in exhaustion as afforestation and reforestation clean development mechanism project activities (SBSTA)

It is very important to consider the inclusion of reforestation lands with forests in exhaustion for Clean Development Mechanism Projects since it will help to increase the carbon storage capacity of existing forests. Specially countries like Sri Lanka, which have many forests exhaustion will have high potential to improve, it's forests, thereby contributing to reduce the global GHG emissions.

Therefore, Sri Lanka would like to support for the inclusion of reforestation of lands with forest in exhaustion as afforestation and reforestation clean development mechanism project activities.



Anoja Herath
Assistant Director
Ministry of Environment
Sri Lanka
