

Background Paper

Peru's REDD+ Benefit Sharing International Dialogue

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1. Introduction

Peru is the third biggest country in South America; it contains the second largest block of Amazon forest, as well as the most extensive tropical mountain range. It is a diverse country in geographic, natural, socioeconomic and cultural terms. It contains within its borders approximately 73 million hectares of tropical forest, equivalent to more than 60% of its total territory.

The main threat to the conservation of forests in the country is deforestation. Causes of deforestation include: increased migration processes from the Andes to the Amazon, agricultural expansion, proliferation of illegal mining, illegal logging, and road and energy infrastructure mega-projects. Other factors include urban development, communications infrastructure, oil and gas exploitation, and illegal coca plantations. Furthermore, these causes are exacerbated and facilitated by an underdeveloped system of land tenure (MINAM, 2010).

Currently, the annual deforestation rate in Peru is 0.2%, and while relatively low compared to other countries, it remains the most significant threat to the conservation of Peruvian forests (MINAM, 2011a). This fact places the country behind Brazil, Venezuela and Bolivia as the fourth in terms of the rate of deforestation among the seven countries of the Amazon basin (FAO, 2010). Moreover, emissions of greenhouse gases (GHG) due to land use changes presently constitute 47% of total national emissions (MINAM, 2013).

Reducing Emissions from Deforestation and Forest Degradation (REDD+) recognizes other eligible activities such as conservation, sustainable management and enhancement of forest carbon stock in developing countries. The initiative has gained considerable support in Peru. The country hopes that REDD+ will foster economic, social and environmental benefits related to the conservation of forests, both for local people and at the regional and national levels. Thus, one element that needs to be explored carefully is benefit sharing, something that is essential in the design and implementation of REDD+ activities. Conceptually, an effective, efficient and equitable benefit sharing mechanism could potentially maximize the opportunities of REDD+ activities among the diversity of participating stakeholders.

Now, the country is trying to move forward in developing a national forest conservation program, which will include the National Strategy for Forests and Climate Change (ENBCC). This strategy would not just contain the REDD+ mechanism but also include

other alternatives for climate change mitigation (Suarez de Freitas, *com. per.*). However, as part of the developing process for this strategy, it is necessary to discuss the possible benefit sharing mechanisms to be implemented, taking into considerations the progress attained at the level of the institutional and legal frameworks, as well as the experiences already generated with REDD+ activities and projects in different regions of the country.

2. REDD+ in Peru

2.1. Current State

Since 2008, Peru's government has been involved in the World Bank's *Forest Carbon Partnership Facility* (FCPF). This has allowed the country to prepare for REDD+, facilitating the process of generating its own understanding of what this REDD+ readiness process means. Most recently, the country's *Readiness Preparation Proposal* (RPP) has been approved. The main points included in this approved version of the RPP include: the institutionalization of dialogue between government and indigenous organizations; the incorporation of land ownership theme in the discussion; the decision to develop a work plan regarding property rights, strengthening the link between the RPP and the investment strategy of the FCPF; and a monitoring, recording and verification system for REDD+ projects. Apart from this, Peru is also a member of the UN-REDD and *REDD+ Partnership* programs.

In 2010, the Peruvian government created the National Forest Conservation for Climate Change Mitigation Program (PNCBMCC¹) and placed it under the Ministry of Environment (MINAM). The program's activities include indigenous and rural communities and aims by 2021 to conserve 54 million hectares of tropical forests and reduce the nation's rate of net deforestation to zero (Che Piu & Garcia, 2011). This program includes amongst its main activities "direct conditional transfers" (TDC in Spanish) of USD 3.8 annually per hectare of forest under conservation to native communities that voluntarily participate (Hajek & Martínez de Anguita, 2012). The TDC mechanism is being implemented with technical assistance from the Community Forests Conservation (CBC) program of the German Cooperation Agency (GIZ) as a forest conservation and poverty alleviation scheme within communities. Peru currently does not have specific activities and standards regarding climate change mitigation and adaptation, including REDD+. This initiative seeks to advance the implementation of concrete actions to reduce emissions. While this program and its incentives are still at an early stage, it can be considered a state-based compensation scheme for ecosystem services, complementary to the REDD+ mechanism.

The preparatory process for REDD+ has been evolving with the support of various programs and projects financed by international cooperation agencies, such as the project "*Strengthening technical, scientific and institutional capacities for the implementation of REDD+ in Peru*" funded by the Gordon and Betty Moore Foundation (GBMF); the "*Support for the implementation of the REDD+ mechanism in Peru*" project; and the "*REDD+ MINAM*" project, funded by the KfW Development Bank². Likewise, since 2010, the *Forest Investment Program* (FIP) has been supporting capacity building processes at the

1 Approved by Cabinet Council and officially created by Supreme Decree D.S. 008-2010-MINAM on July 14th, 2010.

2 Recently working jointly with the GBMF project, consolidating itself into a project with a bigger scope.

institutional level, and improving forest governance, forestry information and investments in non-forestry sectors to help reduce the pressure on forests. Other programs that contribute similarly to the REDD+ readiness process include: the "*National Forest Inventory and Sustainable Forest Management towards Climate Change in Peru*" project³, implemented by the Ministry of Agriculture and Irrigation (MINAGRI), MINAM and regional governments, with the technical cooperation of the FAO-Finland Global Forest Program, as well as the "*Permanent Production Forests Inventory*".

Today, Peru is developing the national climate change strategy and a national strategy document on REDD+, in order to articulate, integrate and complement existing sectorial and sub-national approaches involved in the conservation and sustainable use of forests, including protected areas, indigenous lands, and productive forests (MINAM, 2013). The primary objective of the RPP is to support the Peruvian State in the design, development and implementation of a National REDD+ Strategy. This process should be participatory and run within the context of national policies being currently implemented, in particular for the environmental and agricultural sectors. The strategy itself is expected to address the following points: (1) leading drivers of deforestation and degradation in the Amazon, highlands and coastal areas; (2) strategic vision considering REDD+ as an opportunity to address the challenges of the national forest sector; (3) forest carbon monitoring, recording and verification (MRV) and safeguards; and (4) a national REDD+ register.

On the other hand, the Amazon Indigenous REDD+ proposal, driven by the Indigenous Organizations' Coordinator for the Amazon Basin (COICA), seeks to value the breadth of the ecosystem services provided by forests and indigenous territories. This mechanism – as proposed- will give priority to the conservation and management of forests and indigenous territories, and foster the equitable participation of indigenous peoples in sharing benefits.

2.2. Nested approach and Safeguards

Peru has adopted the "*nested approach*"⁴ for the REDD+ mechanism. The various discussions have led to important conceptual advances concerning the implementation of this approach in the country, also contributing to the global overall discussion regarding this particular theme. Correspondingly, these discussions have enabled the involved stakeholders to initiate necessary coordination between local, regional and national actors. Major advances have occurred in the regions of San Martin and Madre de Dios, thanks to the leadership of the regional governments and the support of MINAM at the national level.

3 Established in 2013.

4 The nested approach allows the country to start implementing REDD+ at the sub-national level (local and regional) and grow towards the national level as capacity in the country increases to include design, implementation, monitoring, verification and reporting on REDD+ at the higher levels (Cordero, 2012).

In the nested approach, the sub-national levels (regional to local) play a central role, mainly because they generate experience in project development and institutional arrangements, thereby contributing to the development of a national system. In the country, regional governments are responsible for the administration and surveillance of forests, however not all regional governments have the required capacities to adequately fulfill these responsibilities. Thus, in relation to REDD+, the existing capacities at the sub-national level are mainly within the civil society institutions and the private sector that already have ongoing projects (Che Piu & Garcia, 2011).

Moreover, the country has been working on the issue of safeguards applying a step-by-step approach, also known as "*stepwise approach*". Safeguards have been developed for social, environmental and governance aspects, with the support of ministries and international cooperation initiatives. To date there are international initiatives to support the development of a national approach to safeguards such as the proposed early safeguards for the REDD+ MINAM project. Similarly, the country has been involved in the development of the "*Social and Environmental Standards*" (REDD+ SES)⁵ initiative since 2013. Madre de Dios and San Martin are the active regions participating in this initiative. Specifically in the San Martin region, the process has been supported by CI Peru and MINAM, and worked directly with the regional government in building technical capacity and empowering decision makers. The same region is also supported by the *Forest Carbon, Markets and Communities* project, CI Peru and the PNCBMCC project, that promote capacity building in the areas of safeguards for MINAM officials.

Indigenous organizations such as FENAMAD⁶ and AIDSESP⁷, through the Indigenous Organizations' Coordinator for the Amazon Basin (COICA), have raised a number of environmental and social safeguards, including the issue of regulation and validation of equitable distribution of benefits. However, these have yet to be formalized. Also, PNCBMCC and UN-REDD programs are working on the issue of safeguards with indigenous peoples. In this framework, informational workshops have been developed at national and regional levels.

2.3. Institutional Framework

Peru has progressed in relation to the development of an institutional framework to halt deforestation and degradation, and the development of policies for the different sectors such as agriculture, irrigation and environment (MINAM, 2013). MINAM is the national authority for REDD+ activities and projects in the country. This extends to all its directions (i.e., General Directions) and decentralized bodies, such as the National Service for

5 <http://www.redd-standards.org>

6 The Native Federation of the Madre de Dios River and Tributaries (FENAMAD)

7 The Interethnic Association for the Development of the Peruvian Amazon (AIDSESP)

Protected Areas (SERNANP); and programs like the PNCBMCC. MINAGRI also participates as the national forest authority, through the Regional Agricultural Directorates and the General Directorate for Forests and Wildlife (DGFFS)⁸.

Moreover, as mentioned above, regional governments are responsible for the administration and surveillance of forests, which includes the implementation of REDD+ activities and projects in their regions. Not all of the regional governments have assumed this responsibility with the same level of interest and commitment.

The Agency for Supervision of Forest and Wildlife Resources (OSINFOR) is the authority responsible for monitoring and surveillance of the sustainable use and conservation of forest and wildlife resources, as well as ecosystem services generated by these forests, but has not yet assumed a key role despite these stated responsibilities. On the other hand, the Ministry of Economy and Finance (MEF), the Ministry of Foreign Affairs (MINRE), the Ministry of Culture and the National Center for Strategic Planning (CEPLAN) also play key roles, as the fight against deforestation is an activity that requires long-term planning transcending management officials' times in government and involving different sectors (Che Piu & Menton, 2013).

Furthermore, national and international NGOs have become important actors working mainly in the implementation of projects and the provision of information. They are also involved with the international negotiation processes and support MINAM and MINAGRI in the development of policies and technical standards. In this sense, they play an important role in defining arrangements and standards related to the development of REDD+ and the distribution of benefits.

2.4. Legal Framework

Peru currently does not have a regulatory framework aimed explicitly at REDD+. However, there are related regulations for public governance and private participation in the management of forests and forest lands. Those existing legal and institutional frameworks should be taken into account in REDD+ activities and projects in order to guide decision making and implementation at different levels (MINAM, 2010).

The main regulations related to REDD+ are listed below:

1. The Constitution of Peru defines in its Article 66 that all natural resources are patrimony of the nation and the State is sovereign regarding its use;
2. The General Law for the Environment guides the management of natural resources and establishes the economic instruments and mechanisms for the conservation of ecosystem services;

⁸ The DGFFS is currently being replaced by the recently created Forest and Wildlife National Service (SERFOR).

3. The Law for the Sustainable Use of Natural Resources (Law No. 26821) regulates the sustainable use of natural resources as national patrimony and establishes the terms and conditions required to grant private concessions;
4. The new Forestry and Wildlife Law⁹ (No. 29763), adopted in 2011, provides various categories of forest zoning, explicitly recognizing that in most of them "economic use of ecosystem services" is granted.

The new Forestry and Wildlife Law clarifies the ownership of ecosystem services, noting that forest concessionaires of any kind, "constitute right holders regarding the provision of ecosystem services" (Article 51). It also states that indigenous communities have the exclusive right to the use of goods and services provided by forest ecosystems within their communal lands, including ecosystem services (Article 65). However, in no case does it clearly state whether this includes ownership of a right not yet granted (e.g., carbon), or how to regulate such use.

Yet to be resolved is the issue as to which authority will grant the permits for the use of ecosystem services. This responsibility may fall to MINAM, MINAGRI or the regional governments. It is expected that these details will be contained in the new law on ecosystem services (Bill No. 786/2011-CR)¹⁰. This bill seeks to clarify the legal framework for ecosystem services including topics such as benefit sharing, among others.

In this context, the rights over ecosystem services, particularly regarding carbon, are not entirely clear. As the new forestry law takes effect and the bill on ecosystem services is approved, the uncertainty related to the ownership of carbon rights in the different existing scenarios will be clarified. This clarification will bear direct consequences on the issue of benefit sharing for REDD+ activities or projects, otherwise through the framework of the future ENBCC.

In this sense it is necessary for the country to address pending issues such as forest tenure and overlapping rights as part of the preparatory process for REDD+.

2.5. Participation and discussion spaces for REDD+ in Peru

There are several platforms working on REDD+ issues. The main ones are: (1) Peruvian REDD Group (Grupo REDD Perú), a public-private initiative created in 2008 as a forum for the exchange of experiences and opinions from different stakeholders, with over 60

9 The Forestry and Wildlife Law N. 27308 is the current law in force. It regulates the conservation and sustainable use of the forest and wildlife resources. The new forestry law will not come into force, until its bylaws have been approved.

10 Expected to be approved in the first quarter of 2014.

institutions involved; (2) The Indigenous REDD+ Roundtable¹¹ (Mesa REDD+ Indígena) whose main aim is to articulate and express the interests, rights, world views and proposals of indigenous organizations within the national processes of preparation and implementation of the REDD+ mechanism; (3) Regional REDD+ roundtables¹² (Mesas Regionales REDD+), such as the San Martín REDD roundtable that drives the development of the REDD+ Strategy in San Martín; and (4) the Interregional Amazon Council (CIAM) that brings together 5 Amazonian regional governments in Peru and has expressed interest in promoting REDD+ in each of the regions they represent.

These spaces allow the joint participation of the different stakeholders involved in REDD+, as well as the required coordination to generate and share technical information and the essential decision-making discussion at different levels.

2.6. REDD+ projects

Currently, there are approximately 30 projects directly or indirectly related to the REDD+ preparation process in the country, funded through international cooperation or national institutions from the private sector or NGOs (MINAM, 2013). Of these initiatives, 19 are specific REDD+ projects, and 6 have already validated their descriptions and verified the emission reductions using different social and environmental standards (see Annex 1).

All projects that have passed the stage of validation and verification are linked to the voluntary market, and are being implemented mainly by private sector institutions as well as national and international NGOs.

The regions of San Martín and Madre de Dios have the highest number of REDD+ activities and projects. This has allowed for the generation of different coordination and participation mechanisms among the different stakeholders involved, as well as regional governments and other actors in the public sector. Similar processes have been initiated in other regions, such as Cusco and Piura¹³.

3. REDD+ Benefit Sharing

3.1. Current state of REDD+ Benefit Sharing

11 The Indigenous REDD+ Roundtable is active in the regions of Madre de Dios, San Martín, Ucayali and Loreto (AIDSESP 2012). Complementarily, CONAP and AIDSESP are also part of the project “*Strengthening the capacities of indigenous groups and other stakeholders to participate in the design and implementation of the REDD+ mechanism in Peru*” and “*REDD+ MINAM*”. Likewise, they are part of the UN REDD program.

12 Regions that have regional roundtables are: Piura, Loreto, Ucayali, Cusco, Madre de Dios and San Martín.

13 <http://cambioclimatico.minam.gob.pe> 29 de enero, 2014.

In Peru, there is no specific legislation in relation to REDD+ benefits sharing. However, REDD+ projects within protected areas (PA) have developed benefit sharing experiences¹⁴ that could provide guidelines for the development of future regulations. In the existing experiences, the direct beneficiary¹⁵ has been the State through SERNANP, as holder of the Certifications for Emission Reductions (CER). Local populations within each PA and its buffer zone may be indirect beneficiaries, receiving the benefits through various mechanisms (e.g., conservation agreements¹⁶, implementation of PA related strategies or management plans, etc.), and are also able to voluntarily undertake activities such as best practices, avoiding deforestation, and land trafficking, among others.

In the case of the Alto Mayo Conservation Initiative (ICAM), REDD+ benefits are received by SERNANP (direct beneficiary) and are intended to provide viability to the conservation agreements with approximately 700 families¹⁷, an activity that is part of the Alto Mayo Protection Forest's Master Plan (BPAM). Another example is the case of the Cordillera Azul National Park (PNCAZ), where resources coming from REDD+ will be used to work on mitigation and adaptation to climate change with communities within the buffer zone of the park (CI, 2012), contributing to the improvement of the quality of life of these people.

To date, only the 6 REDD+ projects, located in PA and forest concessions, have passed the stages of validation and verification and managed to sell their CER. Therefore they are the only ones that have generated experiences in benefit sharing (see Appendix 1).

Moreover, the PNCBMCC currently works with 48 native communities that volunteered for the program. In the near future, with approximately USD \$198 million, the program is expected to cover at least 10.5 million hectares of Amazonian forests on lands owned by indigenous communities (Peña et al., 2014). Overall, this program can be considered a

14 Benefits are understood as monetary or non-monetary contributions that are delivered for the reductions in emissions and the enhancement of carbon stocks, and that can be shared among individuals, groups, communities and organizations (Angelsen, 2012).

15 Included among the **direct benefits**, *monetary* and *non-monetary*, there are jobs, improved livelihoods and direct ecosystem benefits such as non-timber forest products, and wood for fuel and fodder, among others. The **indirect benefits** range from improvements in local and regional governance such as the enhancement of tenure rights and the law enforcement, which may also be linked to the preparation phase of REDD+, and improvements in the participation in decision-making processes as well as the benefits arising from the provision of infrastructure.

16 Conservation agreements are based on a methodology used by Conservation International in over 17 countries around the world. Basically, local people implement conservation actions in exchange for tangible benefits. Conservation actions are designed to counter threats to biodiversity and ecosystem services, while the benefits are defined in a participatory manner with local communities (http://www.amazonia-andina.org/sites/default/files/icam_estrategia_de_intervencion_0.pdf)

17 To date, SERNANP has signed Conservation Agreements with 731 families within the BPAM.

state scheme of payment for ecosystem services similar to REDD+. In the future, this scheme could incorporate REDD+ activities.

Although the experiences of benefit sharing are still emerging, it is important to consider the lessons learned from the PA, forest concessions and the PNCBMCC. Furthermore, it is important to analyze the extent to which these benefits are contributing to the equitable and inclusive growth of the economy at the local, regional and national levels, as well as its contribution to reducing deforestation and forest degradation.

3.2. The case for Protected Areas

In the Peruvian case, the PA legal framework has recently undergone noteworthy legal and institutional developments, expanding to address issues such as ecosystem services and REDD+. PA legislation allows for private nonprofit organizations to get directly involved in PA management, through a management contract signed with the National Service for Protected Areas (SERNANP). The contract states SERNANP's obligation "to determine the granting mechanism of the rights to market environmental services within the PA" and includes clauses that enable the contract implementer to negotiate with the PA's ecosystem services for REDD+.

During 2013, SERNANP, through a presidential resolution (RP 26-2014), approved the General Directive No. 001-2014 regulating the commercialization rights from natural ecosystems' conservation projects within PAs. This directive is aimed at REDD+ projects implemented by entities executing PA management contracts, and seeks to define a legally sound process for the establishment of compensation for ecosystem services schemes, such as REDD+ (Peña et al. 2014).

To date, funds in projects are invested exclusively in maintaining conservation strategies and PA management. Thus, REDD+ is presented as an alternative to contribute to the financial sustainability of the PA in Peru.

4. Conclusions

- While Peru has made progress in developing policy and institutional frameworks that seek to halt deforestation and forest degradation (e.g., through funds and programs such as FCPF, PNCBMCC, and FIP, among others), it is necessary for the new Forest and Wildlife Law to be approved and in effect, in order to advance the implementation of the preparatory process for REDD + and its enactment at the national level.
- The Country's recently approved RPP proposes a special emphasis on improving the involvement of indigenous communities in the REDD+ mechanism, through the institutionalization of dialogue between government and indigenous organizations. The RPP also underlines how important it is for the State to work on the land rights and land ownership in order to overcome the obstacles that these might pose for the effective development of REDD+. Those aspects in RPP bring to the forefront those stakeholders directly involved in REDD+ benefit sharing, recognizing the already

existing obstacles and challenges to working effectively with them. Furthermore, the potential of the REDD+ mechanism greatly depends on the incentives that it can provide to these stakeholders. For this reason the development of a system for sharing benefits is essential to the completion of a REDD+ mechanism in the country.

- The country needs to define who will be beneficiaries of REDD+, especially in relation to the Amazonian forests where there is still no clarity regarding land tenure and even less about the rights of access and ownership of carbon. These forests are themselves the ecosystems where most of the deforestation and land use change occurs. In the case of forest concessionaires and indigenous communities, it is necessary to clarify whether the ownership of rights to the ecosystem services provided by the new Forest and Wildlife Law also encompasses ownership of a right that has not yet been granted and how such services will be regulated.
- It is also vital that the country establishes a framework for safeguards that ensures that the implementation of the REDD+ mechanism meets its social and environmental goals. At a regional level and within the different projects, safeguard mechanisms have already been used (e.g., REDD SES in the San Martin region), and at both regional and national levels, information and consultation workshops have been carried out regarding the proposed safeguards.
- It is necessary to develop a transparent system of accounting and registration of emission reductions, within the monitoring, recording and verification system (MRV) for forest carbon proposed within the national climate change strategy. This will help avoid double counting in certain activities or projects, especially when combining reductions of emissions at the local level with those computed at the regional and national levels.
- For those stakeholders linked to REDD+, it is vital to analyze the experiences and lessons learned in the validated and verified projects within PA and forest concessions. It would be important to assess to what extent benefits from REDD+ are contributing to the growth of local economies in an equitable and inclusive way. It is also important to analyze the contribution of ongoing projects to the reduction of deforestation and forest degradation.
- Finally, Peru must specify whether the promoters of REDD+ activities and projects could claim their emission reduction credits directly from the payment schemes that exist outside of the country (as they have done so far) or if in the future the government will centralize all payments and international incentives and then implement national redistribution schemes that promote REDD+ activities and projects at the local and regional levels.

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Appendix 1: REDD+ projects / initiatives in Peru ^A.

Name	Region	Level	Duration (yrs)	Starting Date	Cost (USD)	Funding Sources	Size (ha)	Standards ^B	Benefit Sharing	Interested Parties
Iniciativa de Conservación Alto Mayo*	San Martin	Subnat.	20	2008	2 million	Private sector / NGO Voluntary Carbon Markets	340 mil	VCS CCBS	Voluntary conservation agreements between local communities and the PA Control and surveillance. Sustainable coffee plantations.	Walt Disney Company (USD 3.5 millions)
Parque Nacional Cordillera Azul *	San Martín, Loreto, Huánuco Ucayali	Subnat.	20	2008		Voluntary Carbon Markets	1,351,963.85	VCS CCBS	Implementation of projects linked to the activities of the PA's Master Plan.	USAID, Exelon, GCF (USD 5.25 millions)
Concesión Forestal Maderija y Maderacre	Madre de Dios (Iñapari)	Subnat.	40	2006		Voluntary Carbon Markets	100 mil	VCS CCBS FSC	Monitoring Control and surveillance of the concession and projects with the neighboring settlements.	Fundación Príncipe de Asturias, Dakar and Scotiabank (USD 855 mil)

Reserva Nacional Tambopata Parque Nacional Bahuaja Sonene*	Madre de Dios	Subnat.	10	2009			573,299.97	VCS CCBS	Voluntary conservation agreements Promotion of productive activities, control and surveillance activities, and support to the forest governance.	Público y Privado- Pacífico Seguros (USD 2.177 millions)
Proyecto REDD Castañero en Concesión Forestal Bosques Amazónicos	Madre de Dios	Subnat.	30	2009	1 million (not including cost to elaborate the PDD)	Private Sector	350 mil	VCS CCBS	Direct distribution to Brazil-nut families through technical assistance, improvements in the control and surveillance system and job generation.	
Proyecto Evio Kuiñaje Ese Eja Cuana en Comunidad Nativa de Infierno	Madre de Dios	Subnat.	20	2011			7,749.93	CCBS	Voluntary conservation agreements, improvements in governance; control and surveillance activities, communication strategy and economic activities.	Privado, USAID (USD 636 mil)

Note: **A** = Projects with (*) are developed within or around Protected Areas; **B** = Standards are the following: VCS = Verified Carbon Standard; CCBS = Climate, Community and Biodiversity Standard; FSC = Forest Stewardship Council. Projects list generated from the information obtained at The REDD Desk (<http://theredddesk.org/>)