

Comments received by the CCBA during the validation audit.

CCB Standards Second Edition

Project: **RMDLT Portel – Para REDD Project**

Comment 1

Date: 11 July 2012

Sent by: Gustavo Pinheiro

1. Projects Physical boundaries, Reference Region for Deforestation and Leakage Belt:

a. The Reference Region was designed without methodological care. It includes the region of two roads, BR230 and PA167, whose surroundings are largely deforested, and surrounds the project area, without considering the areas in between the two project zones as well as the area on the southeast of the project zones.

b. The Reference Region for Deforestation was in my opinion designed in an arbitrary way and it generates negative impacts on the project's premises:

i. Baselines for deforestation in the region and expected pressures are overestimated;

ii. Emission reduction generated by the project is overestimated.

2. The PDD states that there aren't indigenous peoples in the region. Although there aren't indigenous lands recognized by the Federal Government in the region, there are indigenous peoples who inhabit the region.

3. The Caxiuana National Forest is inside the Project Region for Deforestation and the Leakage Belt, but Federal Institutions responsible for the management of this Protected Area are not part of the project nor endorse it.

4. The PDD recognizes the existence of Cassava agriculture within the project's boundaries, but it does not recognize the existence of traditional people living in the project area and depending on the traditional low impact sustainable exploration of the natural resources in the region. That is a major risk for the traditional people living in the region. They do not have official recognition from the Federal Government and are invisible by the project proponents, except for their Cassava plantations, which are visible at satellite imaging.

5. The Table 2, where the carbon stocks are calculated with the carbon inventory averages as basis for estimates, does not consider the areas used by traditional people for Cassava plantations. It recognizes only 3 categories (i) Dense Forest, (ii) Degraded Forest, (iii) Forest under Regeneration. It is known on the bibliography on traditional Amerindian people that after slash and burning, the agriculture areas are planted with Cassava and other species, including many tree species. After a few years of harvesting Cassava and fruits, the area is not cultivated anymore, but the products produced by the tree species planted in this area will be used for traditional people for many years, sometimes decades, while the forest regenerates. Those areas under traditional management and use are called capoeiras and they are anthropic areas managed sustainably by traditional people.

6. The maps do not indicate the localization of the communities of Ribeirinhos around the project area.

7. The maps do not inform the ownership of Cassava plantations within the project area.

8. The PRA shows that most people do not claim to be owners of forested land but they do make use of land therefore by Brazilian law they do have rights over the land even without titles.

9. The session on Cultural Identity on PDD is very poor designed and further research is needed. The PDD tries to make the case for the nonexistence of indigenous peoples in the region, but 65% of the population declares they are originally from the area.

10. The Cultural identity session tries to make the case that the population in the region are “from the brown race”. Well, first of all I must inform you that there are no such things as human races. All humans are one and only one specie, Homo Sapiens Sapiens. And Homo Sapiens Sapiens does not split in different races. We may say there are many ethnic groups or backgrounds, for instance Brazilian society is formed mainly of three main ethnic backgrounds: European Immigrants; African Immigrants and Amerindian. Most people in Brazil points out to be mixed, mestiço. But there are different kinds of mixing. People may be mixed between European and African (called mulato), European and Amerindian (called caboblo or mameluco), African and Amerindian (called cafuso). But it is hard for people to know what they are descendants of if they did not had the chance to register their ethnic heritage. It does not mean they do not have a heritage, and further observation and interviewing may show the ethnic background of populations. The population in this region surely are the descendants of Amerindian ancient people, probably caboclos. Naming them ribeirinhos, because they live on the sides of the rivers is an attempt not to recognize their Amerindian heritage and as a result their rights, specially to land.

11. The baseline of 1.92% of Deforestation per year is only obtained because most of the Project Region for Deforestation considered is high deforestation area close to the BR230 road. On the other hand the project area is located not so close to the BR230 and as a result presents much lower deforestation rates than the entire Project Region for Deforestation considered as stated in item 1 above.

12. The resulted estimate of 64% of the forest in the project area having disappeared within 40 years is absurd and only accounts in favor of my criticism of how the baseline was established.

13. The deforestation modeling result at year 2048 is absolutely absurd and the criteria used should be reviewed. Such a scenario would not happen even if the BR230 was paved and forest exploration was fostered by the Federal Government.

14. The PDD does not take into consideration the Brazilian Land Property laws and regulations.

15. The PDD states that “activities will be held only for the Project Area and capacity building and demonstrative activities will be only held outside the LMA if free and explicit authorization from neighbor villagers is granted” (page 97 session G5.3). All potentially impacted stakeholders should have been consulted prior to the project development in a free and informed way, in respect to the Convention 169 of the World Labor Organization, for which Brazil is a signatory party. But the PDD does not predict this prior, free and informed consultation to local stakeholders, in fact, the PDD does undervalue the risks and impacts to traditional way of life and in fact does position the local inhabitants as threats to the carbon stocks, while they have been managing the region sustainably for thousands of years.

16. The PDD says the “project will improve local livelihoods through its activities” (page 97 session G5.4). The PDD does not evaluates the impacts for local stakeholders of not being able to continue their Cassava plantations within the Project Area nor the impacts that managing the project area as a privately owned conservation unit could generate for their traditional way of life. The need to comply with a management plan established regulations and the asymmetry of information jeopardizes the traditional way of life enjoyed by local stakeholders.

17. The PDD mentions that the “Project will provide land titles against conservation results to villagers living within the Project Boundaries and will provide support to neighbor villagers to achieve land tenure on unused public lands” (page 98 session G5.5). How can a project provide land titles to villagers? The project does not have such authority.

18. On page 98, session G5.6, the PDD mentions that “The Cadeia Nominial is a certificate provided by the registry office where the land's deed and title are registered. This certificate is used to show the history of the property and the owners. This document will show any updates on the property”. It is clear that the writers of the PDD do not have the required knowledge about the land property regulations in Brazil. First of all there is a mistake on the spelling of Cadeia Dominial (chain of ownership), it is Dominial and not Nominial as written in the PDD. Dominial relates to dominion. The second issue regarding land rights is that most of the titles in Pará State are actually fake, or generated by registry offices without authority to do it. The Land Law (Law 601/1850) is the first legislation in independent Brazil. Other legislation followed regulating the titling of land. While the PDD mentions that a law firm is to be hired for conducting a due diligence process to verify that there aren't claims over the lands, it is also required to verify the compliance of the titles of the land with Federal registries at the Instituto Nacional de Reforma Agrária (INCRA) and the issuance of updated Certificado de Cadastro do Imóvel Rural (CCIR), the only certificate accepted by the Federal Government of land titling in compliance with Federal Legislation. According to Brazilian law, private property has to be in compliance with Federal Law throughout the entire Cadeia Dominial, it means since the original registry the property has to have been acquired in compliance with the law, in other words it has to be acquired from the Federal Government following the due process established by law.

19. PDD does not estimate negative impacts on communities. Page 105 not even considers the possibility of negative impacts. As a result, the estimate of net positive impacts could be considered absolutely fallacious, not to mention casuist.

20. Session CM3 ignores the potential impacts of the project for local stakeholders. It comes from the concept that all outcomes of the project are positive, but it does not diagnoses where are the Cassava plantations held today or where will future Cassava plantations will be in the future and how the project will affect the freedom local stakeholders have to establish new Cassava plantations needed for their survival and the reproduction of their way of life.

21. Session CM5 mentions “knowledge of local customs”. The PDD states that “all activities are based fundamentally on local customs and needs. Such activities won't constitute dramatic changes on local ways of life or customs but will only provide knowledge and finance to improve and make more efficient what is already happening on the ground”. But is clear that the project will affect the way of life of local stakeholders. First they won't have the same freedom to decide where to locate their Cassava plantations. Second they will have to comply with privately established management plans. Third they might have their rights to traditionally manage and use forest resources affected by the project activities.
