

Matrix 1 for analysis of legal framework

Safeguard A	
Criteria A.1. Complement or be Consistent with the Objectives of National Forest Programmes	
Diagnostic Question: to what extent do PLRs require consistency with the objectives of national forest programmes?	
Indicator	Explanation (identify articles/provisions)
<p>PLRs clearly define what the national forest programme(s) is/are and requires that steps are taken to ensure that any new policy/initiative is consistent with (or at least does not contradict) existing policies/programmes).</p>	<p>Brazil's National Forest Program (PNF), Decree # 3,420/2000, has as its objective to: "Promote sustainable development, balancing use with conservation of the Brazilian forests."</p> <p>PLRs aim to be consistent with this objective. Specifically, the National REDD+ Strategy (ENREDD+ - Estrategia Nacional para REDD+), Decree # 8, 576/2015 and Ministry of Environment (MMA for its Portuguese acronym) Ordinance #370/2015, has as its objective to: "Contribute to climate change mitigation by eliminating illegal deforestation, conserving and recovering forest ecosystems, and developing a sustainable low-carbon forest economics, generating economic, social and environmental benefits."</p>

Safeguard A	
Criteria A.2. Complement or be Consistent with the Objectives of Relevant International Conventions and Agreements	

Diagnostic Question: to what extent do PLRs require consistency with objectives of relevant international conventions and agreements, and this is applicable to the forestry sector?	
Indicators	Explanation (identify articles/provisions)
Number of relevant of international agreements that the country is Party to* (including HR and environmental/biodiversity conventions)	<ol style="list-style-type: none"> 1. United Nations Framework Convention on Climate Change (UNFCCC), Paris Agreement, as well as decisions made in the corresponding Conferences of the Parties. <ul style="list-style-type: none"> ■ Stabilize concentrations of greenhouse gases in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. 2. United Nations Convention on Biological Diversity (UNCBD), as well as decisions made in the corresponding Conferences of the Parties, notably the 2012 COP11, held in Hyderabad, India, Decision IX/19, which established Biodiversity Safeguards in compliance with the REDD+ approach. <ul style="list-style-type: none"> ■ Promote the conservation of biological diversity, sustainable use of its components, and the fair and equitable sharing of the benefits derived from the utilization of genetic resources, ensuring free, prior and informed consent of the States, as well as the protection and promotion of associated traditional knowledge. 3. Ramsar Convention on Wetlands of International Importance <ul style="list-style-type: none"> ■ Promote the conservation and rational use of wetlands, such as Baixada Maranhense, Pantanal in Mato Grosso State, Atol das Rocas, etc. 4. FAO International Treaty on Plant Genetic Resources for Food and Agriculture <ul style="list-style-type: none"> ■ Promote conservation and sustainable use of plant genetic resources for food and agriculture, and the fair and equitable sharing of benefits arising from their use, aligned with the Convention on Biological Diversity. Establishes the right of farmers to conserve, use, exchange and sell farm-saved seeds and other propagating material retained by farmers; to protect their traditional knowledge and to participate in decision-making on the

	<p>fair and equitable sharing of benefits arising from the use of plant genetic resources for food and agriculture.</p> <p>5. ILO Indigenous and Tribal Peoples Convention 169</p> <ul style="list-style-type: none"> ■ It applies to indigenous peoples and traditional peoples and communities in order to promote the full realization of the social, economic and cultural rights of these peoples, respecting their social and cultural identity, their customs and traditions, and their institutions. It acknowledges the territorial rights of ownership and possession of the lands they occupy or have already used for their traditional activities and subsistence; the right to participate in the use, management and conservation of natural resources; as well as the right to free, prior and informed consultation in accordance with their own institutions, among other rights. <p>6. United Nations Declaration on the Rights of Indigenous Peoples</p> <ul style="list-style-type: none"> ■ It reflects the set of claims of indigenous peoples on the improvement of their relations with national states and is used to establish minimum parameters for other international instruments and national laws. The declaration includes principles such as equal rights and prohibition of discrimination, the right to self-determination and the need to obtain consent and agreement as a reference for the relationship between indigenous peoples and States.
<p>How the national legal framework incorporates international law</p>	<ul style="list-style-type: none"> • The Thematic Advisory Board on Safeguards (CCT-Salv) listed the policies, programs and international agreements relevant for REDD+ during the process of defining safeguards in the Brazilian context. These have been reorganized in Appendix A, with national entities listed as relevant to each of the six international agreements listed in the previous section. <p>More specifically, Brazil has operationalized the following policies and programs in support of the objectives of the UNCBD as outlined above:</p> <ul style="list-style-type: none"> • The Action Plan for the Prevention and Control of Deforestation in the Legal Amazon (PPCDAm), is the main mediator instrument of other public policies in the territory, which contributes to reducing

	<p>deforestation (please refer to http://combateaodesmatamento.mma.gov.br/). It has the Amazon Fund as an important finance instrument to induce and potentialize actions.</p> <ul style="list-style-type: none"> • The nine Amazonian states prepared their Action Plans to Prevent and Control Deforestation, in addition to the federal effort. These plans are in different stages of implementation and/or undergoing revision and the monitoring of part of those plans might be followed with the 'Indicar Estados' (Indicate States) Platform. • The National Commission for REDD+ (CONAREDD+) was created with the purpose of promoting, among others, integration and synergy among public policies on forests, biodiversity and climate change at different administrative levels. • The Thematic Advisory Board on Federative Relations (CCT-Pact) is a forum for debate, participation and transparency between federal, state and local entities to align their policies. CCT-Pact conducted a mapping of REDD+-related policies in the states, identifying state's legal and institutional issues and arrangements that contribute to REDD+ in order to pursue measures for harmonization between the national and subnational levels. • Respecting safeguards also calls for mobilization of policies at the federal level. • Engaging common actors to manage ENREDD+, PPCDAm and the Amazon Fund makes it possible to promote synergies between policies. • The MMA coordinates the governance instances of these three policies.
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Safeguard B	
Criteria B.1. Transparency	
Sub-Criteria B.1.1. Right of Access to Information	
Diagnostic Question: To what extent do PLRs guarantee the right to access to information?	
Indicators	Explanation (identify articles/provisions)

PLRs recognise the right to access to information	Brazil has an Access to Information Law (Law # 12,527/2011). It regulates access to information, as established in Item XXXIII of Art. 5, Item II in Paragraph 3 of Art. 37, and Paragraph 2 of Art. 216 of the Federal Constitution; amends Act 8,112, as of December 11th, 1990; revokes Act 11,111, as of May 5th, 2005, devices in Act 8,159, as of January 8th, 1991; and establishes other provisions.
PLRs provide a definition of ‘information’ (held by public authorities/accessible to the public)	Brazil has made a definition of “information” accessible to the public on its website dedicated to the right of Access to Information: http://www.acessoinformacao.gov.br/ According to Art. 4, item I, of Law 12,527 / 2011 , information is: “data, processed or not, that can be used for production and transmission of knowledge, registered in any medium or format.”
PLRs require the active distribution of information	As a way to ensure public oversight, reports from meetings shall be made publicly available including being posted in Brazil’s REDD+ Portal, in compliance with the Access to Information Law and in support of the rights of REDD+ action beneficiaries. Information shall be transparent and reach a wide audience from indigenous and traditional peoples to communities and international entities, making use of simple and easy to understand language.
PLRs guarantee passive access to information (access to information on request)	Request for access to information can be made on the Access to Information Law website: http://www.acessoinformacao.gov.br/ If the information is available, it must be delivered immediately to the applicant. If it is not possible to grant immediate access, the body or entity has up to 20 days to comply with the request, a period that may be extended by a further 10 days, if there is an express justification.
Safeguard B	
Criteria B.1. Transparency	
Sub-Criteria B.1.2. Institutions to Ensure Access and Distribution of Information	
Diagnostic Question: To what extent does the legal framework require public institutions to ensure the access and distribution of information?	

Indicators	Explanation (identify articles/provisions)
PLRs create dedicated institutions for distribution of information	To promote transparency, ENREDD+ information shall be distributed via the following entities: REDD+ Brazil Portal (http://redd.mma.gov.br/en), which will include SISREDD+ (http://redd.mma.gov.br/pt/salvuardas) and its ombudsman, InfoHub Brazil (http://redd.mma.gov.br/en/infohub) and the Matrix of Public Policies Impact. SISREDD+ assesses whether the Cancun safeguards have been addressed and respected both in policies that lead to REDD+ results as well as in the use of resources from results-based payments. Info Hub Brazil is a platform to communicate REDD+ results achieved by Brazil and information from results-based payment agreements, according to CONAREDD+ guidance. The Matrix of Public Policies Impact is a tool to assess effectiveness and efficacy of public policies that contribute to achieve REDD+ results.
PLRs create a central registry for gathering information related to forest management	The Ministry of Environment contains the Brazilian Forest Service, whose website (http://www.florestal.gov.br/) provides the public access to information related to Brazil's forest management.
PLRs provide clear procedures for request/access to information	Clear procedures for request/access to information are available on Brazil's Access to Information Law website: http://www.acessoainformacao.gov.br/
Safeguard B	
Criteria B.1. Transparency	
Sub-Criteria B.1.3. Accountability	
Diagnostic Question 1: To what extent do PLRs promote fiscal transparency in the forest sector?	
Indicators	Explanation (identify articles/provisions)
PLRs require that independently audited reports must be prepared showing clearly how public funds have been used by the	Compliance audits conducted by independent consultants assess whether BNDES has met the requirements listed in Decree # 6,527 / 2008 with regard to the supporting actions, guidelines and criteria established by the Amazon Fund Steering Committee (COFA).

forest agency	
Institutions responsible for implementing the relevant PLRs MMA, BNDES, COFA (composition of COFA comes from various institutions – for a detailed list of these, see: http://www.amazonfund.gov.br/en/amazon-fund/COFA/)	
Diagnostic Question 2: To what extent do PLRs adequately address corruption in the forest sector?	
Indicators	Explanation (identify articles/provisions)
PLRs provide clear measures to address corruption in the forest sector	<p>Audits to address possible corruption, among other issues, are continually carried out by the control bodies of the various initiatives and institutions that make up the PPCDAm. See the publication: Operational nature audits on public policies and climate change – Legal Amazon and Greenhouse Gas Emissions.</p> <p>Available at https://portal.tcu.gov.br/biblioteca-digital/auditorias-de-natureza-operacional-about-politicas-publicas-e-mudancas-climaticas-amazonia-legal-e-emissao-de-gases- of-effect-greenhouse.htm</p>
PLRs foresee penalties against acts of corruption	<p>The Legal Regime of Civil Servants of the Union - Law 8112/90 provides a legal regime for disciplining the performance of public civil servants of the Union, municipalities and federal public foundations, based on their rights and duties. Each career in the public service also has specific legislation and institutions have administrative procedures for verifying and applying penalties.</p>
PLRs create independent agencies mandated to fight corruption and with faculties to investigate corruption allegations	<p>Monitoring activities in forest concessions areas include the following systems: Forest Exploitation Detection System (DETEX), which identifies where forests are being exploited by means of satellite images; Control of Chains of Custody, in which the concessionaire must maintain control of the origin of the forest products to the processing unit; Satellite Vehicle Tracking System to track and trace concessioner’s fleet of vehicles.</p> <p>Inspections are made mainly by IBAMA and by the Brazilian Forest Service. IBAMA inspects compliance with the Sustainable Forest Management Plan; the Forest Service, with the forest concession contract. Within National Forests, the Chico Mendes Institute of Biodiversity Conservation</p>

	<p>is also an important monitoring agent, once it is the area manager. Furthermore, independent audits are mandatory, at least every three years. Only entities certified by INMETRO and acknowledged by the Brazilian Forest Service may conduct them.</p>
<p>PLRs provides codes of conduct governing the engagement and behaviour of public servants</p>	<p>The Ethics Committee of the Ministry of the Environment is part of the Ethics Management System of the Federal Executive Branch, acting in accordance with the rules and guidelines established by the Public Ethics Committee, in compliance with the provisions of Resolution 10, dated September 29, 2008 and other applicable regulations.</p> <p>Established by Ordinance No. 449 of August 20, 2007, published in Service Bulletin No. 6/2007, of August 28, 2007, and in accordance with Administrative Rule No. 140 of May 6, 2009, which establishes the Rules of Procedure Internal of the Ethics Committee of the Ministry of the Environment, published in Official Gazette No. 85, of May 7, 2009, the Ethics Committee of the Ministry of the Environment has the purpose of: guiding and advising on ethical conduct in the exercise of public function, including in the interpersonal relationship between public servants, with the greater public and in the interest of the public activity.</p> <p>It also aims to disseminate the principles of the ethical conduct of the MMA public servant, to apply the Code of Professional Ethics of the Public Civil Servant of the Federal Executive Branch, approved by Decree No. 1,171 of 1994, within the scope of the MMA, to guide, supervise and act as an advisory body for officers and public servants, and to host and analyze complaints.</p>

Safeguard B

Criteria B.2. Effective National Forest Governance	
Sub-Criteria B.2.1: Clear Land Tenure Rights	
Diagnostic Question: To what extent do PLRs recognise and protect different types of forests tenure (ownership and access)?	
Indicators	Explanation (identify articles/provisions)
PLRs recognise different types of rights over forest land and forest resources (Statutory and customary ownership, use rights)	<p>Brazil’s current land tenure system, particularly in the Amazon region, is extremely complex due to the size of the rainforest, the settlement history and conflicting interests. For example, the areas along the federal highways were distributed among smallholders in the 1970s and these farmers were granted land use rights but not property titles to their plots of land. The absence of clear ownership structures facilitates illegal land grabbing and has led to violent conflicts over land. Moreover, legal uncertainty hinders the effective implementation of long-term forest protection measures, such as the establishment of nature reserves or protected areas for indigenous people. In response to these challenges, Brazil has developed an array of legal and practical solutions to the land tenure issues in the Amazon region, of which many of these processes are ongoing. One of the most important programme is Terra Legal (legal or ‘good’ land). The aim of Terra Legal is to legalise the use of 55 million hectares (an area that is one-and-a-half times the size of Germany) of state-owned land by granting land titles to some 160,000-smallholder families. In 2017, the Brazilian Senate approved Provisional Measure 759/2016 (MP 759), which deals with land regularization for rural, urban and Amazonian lands. Multiple institutions at the federal, state, and municipal levels share responsibilities for governing land property rights.</p> <p>As concerns land rights of Brazil’s indigenous peoples, Article 231 of The Constitution states: “It is recognized that the indigenous peoples have the right to their social organization, customs, languages, beliefs and traditions, and their original rights over the lands that they have traditionally occupied, it being the duty of the federal government to demarcate these lands, protect them and ensure that all their properties and assets are respected.”¹</p>

¹ https://pib.socioambiental.org/en/Brazilian_Constitution

	<p>The text in force gives a constitutional category or status to the concept of indigenous lands, which is defined as follows in paragraph 2 of Article 231: “Lands traditionally occupied by the Indians are those that they have inhabited permanently, used for their productive activity, their welfare and necessary for their cultural and physical reproduction, according to their uses, customs and traditions.”²</p> <p>In addition, the guarantee of social rights of traditional peoples and communities also has been established by Federal Constitution of 1988 and reinforced by Federal Decree n° 6.040/2007, which establishes the National Policy for the Sustainable Development of Traditional Peoples and Communities, and provide for rights of residence on the territory traditionally occupied.</p>
<p>PLRs provide clear legal procedures for the recognition of land (and forest land) tenure rights</p>	<p>PRONAF is the National Program for Strengthening Family Agriculture. The DAP is the Declaration of Aptitude to PRONAF. It identifies family farmers and / or settled family farmers able to carry out rural credit operations with PRONAF.</p> <p>Beneficiaries</p> <p>In addition to the family farmers / settlers of Agrarian Reform, they are also beneficiaries and must be identified by Pronaf Aptitude Declarations to carry out credit operations:</p> <p>I - Artisanal fishermen who engage in artisanal fishing for commercial purposes, exploiting the activity as self-employed, with their own means of production or in partnership with other artisanal fishermen;</p> <p>II - Extractivists who engage in ecologically sustainable extractive exploitation;</p> <p>III - Foresters who cultivate native or exotic forests and promote the sustainable management of those environments;</p> <p>IV - Aquaculturists who dedicate themselves to the cultivation of organisms that have in their water their normal or more frequent way of life and that explore an area of no more than 2 (two) hectares of</p>

² https://pib.socioambiental.org/en/Brazilian_Constitution

water or occupy up to 500 m³ (five hundred cubic meters) when the operation takes place in tank-net;
V - Quilombolas engaged in agricultural and / or non-agricultural productive activities, processing and marketing their products;

VI - Indigenous people engaged in productive agricultural and / or non-agricultural activities, processing and marketing their products.

The DAP document can be obtained free of charge from entities accredited by the Ministry of Agrarian Development, such as INCRA, trade unions and farmers' associations. It is necessary to have a CPF (Brazilian individual taxpayer registry identification) and a document proving land use (TAU or use concession contract, for example). If married, the farmer must produce the marriage certificate and the personal documents of the spouse. The document is valid for six years from the date of its issuance, except for the beneficiaries of groups "A" and "A / C", which must submit a new document for each operation.

Legislation (<http://comunidades.mda.gov.br/portal/saf/institucional/aeclaracaoaptidaopronaf>)

Resolution of the National Monetary Council, which attributes to MDA the responsibility for the DAP issuance process.

[Manual of Rural Credit, in Chapter 10, which deals with the beneficiaries of Pronaf.](#)
[Ordinance No. 24 MAY 29, 2009 - Settlers of agrarian reform without the qualified demand served.](#)
[Ordinance No. 12, dated June 25, 2010, which deals with the operational aspects of the DAP issue.](#)
[Ordinance No. 21, dated March 27, 2014.](#)

[Normative Instruction No. 001 of May 14, 2010.](#)

[Annex: Request form for reframing of IN 001.](#)

[Manual of DAP](#)

[Technical Note / INCRA / DD / Nº 04/2014](#)

[Also, according to the Federal Constitution, indigenous peoples hold the original right and exclusive usufruct over lands that they traditionally occupy. The phases of the demarcation procedure of the traditionally occupied lands, described below, are defined by Decree of the Presidency of the](#)

	<p><u>Republic. The demarcation process, regulated by Decree No. 1775/96, is the administrative means to identify and signal the limits of the territory traditionally occupied by indigenous peoples.</u>³</p>
<p>PLRs establish fair procedures to govern the expropriation of forest land by the state. No forced evictions, allowing evictions only in exceptional circumstances meeting lawful criteria</p>	<p>The Expropriation Process in Brazil⁴</p> <p>Land expropriation is carried out through an administrative or judicial mechanism, as provided by law, by which the Public Authority (Federal, State, Municipal and Federal District), through the declaration of public utility or of social interest, transfers to itself in a unilateral and compulsory manner the land of a third party, through prior monetary compensation. The expropriation procedure has two stages: the declaratory stage and the executive stage. The latter may be effected judicially or extra judicially.</p> <p>In the declaratory phase, there will be a manifestation of the will of the Public Authority to expropriate a property to satisfy a public necessity or a social interest. The declaration of public utility or social interest is made through a decree enacted by the President of the Republic, the Governor, a Delegate of the President of the Republic appointed to assume provisionally the government of a federal state, or the Mayor.</p> <p>The concessionaires of public services or entities that carry out functions delegated by government can expropriate if they are expressly authorized to do so in the law or the concession contract. After an area is declared of public utility or of social interest, the administrative authorities are authorized to enter the land and buildings included in the declaration, with the ability to request, in the event of opposition, the assistance of the police force.</p> <p>In the executive phase, the Public Authority carries out the necessary measures to expropriate the</p>

³ <http://www.funai.gov.br/index.php/indios-no-brasil/terras-indigenas>

⁴ World Bank Report - Involuntary Resettlement in Brazil: A Review of Policies and Practices; March 26, 2011; see: <http://documents.worldbank.org/curated/en/574591469672171136/Brazil-Involuntary-resettlement-in-Brazil-a-review-of-policies-and-practices>

	<p>property. If the property owner agrees with the value of the expropriation offered by the Public Authority, the procedure will be implemented through extrajudicial means. If there is no consensus, the Public Authority may, within five years commencing from the date of the issuance of the decree that declares an area of public utility or within two years from the date of declaration of social interest, activate the Judicial Authority.</p>
<p>PLRs provide clear land titling and registration procedures. These are accessible (not cost prohibitive)</p>	<p>The National Institute of Colonisation and Agrarian Reform (INCRA) is a federal agency with responsibility over land reform, maintaining the national register of rural properties, and managing public lands. Information on land titling and registration is available on the INCRA website: http://www.incra.gov.br/.</p> <p>In order to register in the PNRA (National Plan for Agrarian Reform) as beneficiary of the agrarian reform, the interested party should look for the nearest INCRA unit, or the Municipal Registration Unit (UMC - existing in some prefectures). The requirements and rules for the assignation of families in the PNRA are governed by Execution Standard No. 45/05, which deals with the technical procedures for the selection of candidates to beneficiaries of said Plan.</p> <p>The Ministry of Agrarian Development (MDA), through the Land Credit Program, provides conditions for landless or landless rural workers to purchase a rural property through financing. INCRA Regional offices can direct interested individuals to the INCRA office closest to their municipality. This information can also be found at: http://saladacidania.incra.gov.br/</p> <p>It should also be noted that in Brazil the Cadastro Ambiental Rural (CAR) is currently being implemented. This policy aims to geo-reference all properties and promote monitoring of, and compliance with, natural vegetation conservation requirements. With the CAR, it is mandatory for all rural properties to be registered and caps have been set on the proportion of natural vegetation that can be legally cleared on any rural property (as low as 20% in the Amazon). The CAR also lays out guidelines for which areas should be permanently preserved. The implementation of the CAR requires geo-referencing and identification of property boundaries, Legal Reserves (LR), and Areas of Permanent Preservation (APP), as defined by Law No. 12.651/2012.</p>

<p>PLRs ensure that any displacement activities carried out in fully participatory manner.</p>	<p>Consultations and Participation⁵</p> <p>Consultations with the populations affected by a project are an encouraging common practice in Brazil, and public hearings are required by the environmental licensing process (public hearings were included as a requirement under the environmental licensing process in 1986). Consultations and public hearings are often a simple forum for disseminating information related to the project. In some cases, the resettlement plan is presented to the affected population for the first time during the project's public hearing carried out as part of the environmental licensing process, in which all aspects of the project are discussed. It has been noted however that relevant documents are not always available before the hearings or are not presented in a form and language that are easily understandable by the affected populations.</p>
<p>PLRs seek to avoid, and where avoidance is not possible, minimize and mitigate physical or economic displacement from land or resource acquisition or restrictions on land or resource use</p>	<p>Environmental licensing authorities have the mandate to ensure adequate resettlement planning and implementation. CONAMA (National Environmental Council; http://www.mma.gov.br/port/conama/) resolutions do not provide detailed guidance to assess and mitigate socioeconomic impacts, including involuntary resettlement.</p> <p>However, there is general guidelines of CONAMA, especially Resolution N 1/86, that determines that the Environmental Impact Assessment, in addition to complying with the legislation (including all the legal guarantees and rights of traditional land use), especially the principles and objectives expressed in the National Environmental Policy Law, should include all technological alternatives and project location, confronting them with the hypothesis of non-execution of the project. Therefore, it aims to identify the region of installation of the project that has the least social and environmental impact, including avoiding displacement from land or restrictions on land use. There are no clear requirements on resettlement planning or standards on what constitutes acceptable outcomes. Therefore, the analysis of physical and economic displacement and the review of resettlement plans are left to the professional</p>

⁵ P. 41; World Bank Report - Involuntary Resettlement in Brazil: A Review of Policies and Practices; March 26, 2011; see: <http://documents.worldbank.org/curated/en/574591469672171136/Brazil-Involuntary-resettlement-in-Brazil-a-review-of-policies-and-practices>

	<p>judgment and discretion of technical staff.</p> <p>Brazil is a signatory to the main international conventions that limit and condition displacement of populations. We can cite: Convention 169 which defines that indigenous and traditional peoples should not be translated of the land they occupy; Declaration of Indigenous Rights, 2008; Principles of United Nations for housing and restitution of property for refugees and displaced persons; International Covenant on Economic, Social and Cultural Rights (ICESCR); International Covenant on Civil and Political Rights (ICCPR). This legislation and the most relevant provisions of the Conventions are standards and procedures (from the ICMBio, the MMA and the subnational entities) that guide the creation and of conservation units, for example.</p>
<p>PLRs ensure that livelihoods of any displaced persons enhanced or at least restored through compensation at full replacement costs and other assistance.</p>	<p>While Brazil does not have an overarching policy framework specifically dealing with involuntary resettlement, there are a number of legal provisions that address land acquisition and compensation. There are provisions in the Brazilian Federal Constitution on land expropriation, a decree-law on expropriation for public purposes (Decree-law Nº 3,365, 1941), and a federal law that defines the cases of expropriation in the social interest (Federal Law Nº 4,132, of September 10, 1962).</p> <p>Many of the gaps in the legal and policy framework are filled by state, sector, and project specific laws and guidelines on involuntary resettlement. For example, the State of Minas Gerais has developed specific legislation to protect populations of areas flooded by the constructions of dams. Federal Decree 7,342 of October 2010 requires socioeconomic studies (cadastros) of the population affected by hydroelectric projects. In São Paulo, the Guarapiranga project led to legal reforms to deal with the relocation of people living in risky areas.</p> <p>Environmental licensing provides the main regulatory framework for planning and implementing resettlement. The environmental licensing agencies require that the Environmental Impact Assessment (Estudo de Impacto Ambiental, EIA) include measures to address negative social impacts, including those caused by land acquisition. Normally, expropriation issues reflected in the environmental license are restricted to ensuring governmental consent and the issuance of the relevant expropriation decree - Decree-Law No. 3,365/41. Brazil's National Environmental Policy Act of 1981 and the resolutions of the National Environmental Council (Conselho Nacional do Meio Ambiente - CONAMA) on environmental licensing require that an environmental assessment takes into account impacts related to the</p>

—socioeconomic environment. However, this legislation does not provide any details on the requirements for projects that involve resettlement. The analysis of social impacts, as part of the environmental licensing process, is based on practice developed through the years without the support of clear legal provisions, hence the analysis depends on the reviewer's discretion.

The compensation of affected properties is based on "market value" of the expropriated asset, which is determined on the basis of technical standards set by the Brazilian Association of Technical Standards (Associação Brasileira de Normas Técnicas, ABNT), which follow international standards. However, the Brazilian Federal Constitution does not address situations in which the compensation amount is insufficient to restore the standards of living of the affected population. In these cases, two alternatives are sometimes used:

- The expropriated party can accept a payment in kind (doação em pagamento) according to the provisions of the Law of Obligations, which is part of the Brazilian Civil Code. This occurs whenever a expropriated party accepts a payment from a debtor in a different form from the one originally stipulated in the agreed obligation. For example, in an expropriation case, the affected family or person could accept another dwelling as compensation instead of a cash payment.
- The expropriated party can turn to the Public Prosecutor's Office (Ministério Público, MP). The MP has legal standing to file a civil investigation and a civil action in the public interest—for the protection of the public and social assets, of the environment, and of other diffuse and collective interests (article 129, item III). These instruments are often used by the MP to investigate irregularities in the procedures of involuntary resettlement, and sometimes the parties involved (project sponsor, government, MP, and the impacted population) will use the Conduct Adjustment Term (Termo de Acordo de Conduta), which establishes the rights and obligations of each party, including on issues such as the compensation to be paid.

Safeguard B	
Criteria B.2. Effective National Forest Governance	
Sub-Criteria B.2.2: Equitable Distribution of Benefits	
Diagnostic question 1: to what extent do PLRs recognise and protect the fair distribution of benefits?	
Indicators	Explanation (identify articles/provisions)
PLRs guarantee the right to fair distribution of benefits arising from the use of forest resources (including environmental services)	The National Policy for Territorial and Environmental Management of Indigenous Lands (PNGATI ⁶) aims to guarantee and promote protection, recovery, conservation and sustainable use of the natural resources found in indigenous lands and territories, ensuring the integrity of the indigenous heritage, improvement of their quality of life and full conditions of physical and cultural reproduction of indigenous peoples current and future generations, respecting their sociocultural autonomy.
PLRs regulate benefit sharing arrangements (contracts, covenants, agreements)	The CONAREDD+ established (Committee's Decision N 08) the guidelines for resource use and monitoring of REDD+ results payment agreements, which includes prioritization of initiatives that benefit indigenous peoples, traditional peoples and communities, and family farmers in the application of resources received from results achieved from REDD+. The CONAREDD+ is responsible for overseeing and monitoring the implementation of the REDD+ initiatives and its compliance with the Committee's Decisions, including the benefit sharing arrangements.
Safeguard B	
Criteria B.2. Effective National Forest Governance	
Sub-Criteria B.2.3: Gender equity	
Diagnostic Question: To what extent do PLRs promote and protect gender equity?	

⁶ More information about PNGATI can be found at the link: <http://www.funai.gov.br/pngati/>

Indicators	Explanation (identify articles/provisions)
<p>PLRs promote and enhance gender equity and women’s empowerment, especially with regards to benefit sharing, participation, and land tenure</p>	<p>Representativeness of gender is an important consideration for REDD+ planning. This has been reflected in various CONAREDD+ work groups, including CCT-Salv, which is the Thematic Advisory Board on Safeguards. The profile of CCT-Salv participants is 67% female and 33% male as of July 11th, 2016. Gender equality will also be sought out in stakeholder consultations when seeking participation from indigenous peoples, traditional peoples, family farmers and traditional farmers.</p> <p>The definition of indicators for Brazil’s REDD+ Safeguards Information System (SISREDD+) is currently underway, with four workshops having already taken place. These workshops are representative of various societal sectors/groups, including gender. Of 158 representatives thus far, 80 have been female and 78 have been male.</p> <p>In regards to Biodiversity, Brazil has also adopted a legal framework highlighting the importance of the gender approach in biodiversity conservation: the National Policy Plan for Women (PNPM) addresses the gender perspective and biodiversity in three of its chapters.</p>
<p>PLRs address gender discrimination</p>	<p>Brazil is signatory to various international conventions focused on gender equality and women’s empowerment, including the CEDAW, a convention by the United Nations that aims to eliminate all forms of discrimination against women. In addition, various national laws and legislation governing its work in promoting gender equality and women’s empowerment were in place in it was implementing the PPCDAm in 2014 and 2015. These include of Brazil’s 1988 Constitution by which women enjoy the same legal rights and duties as men, which is clearly expressed in Article 5. It is this international and national legal framework on gender which has guided how gender considerations were integrated into the PPCDAm.</p> <p>Brazil’s Constitutional state objectives, Article 3 states that: The fundamental objectives of the Federation Republic of Brazil are: I. to build a free, just and solidarity society; II. to guarantee national development; III. to eradicate poverty and marginal living conditions and to reduce social and regional inequalities; IV. to promote the well being of all, without prejudice as to origin, race, sex, color, age, and any other forms of discrimination.</p>

	<p>Furthermore, Article 1 of Brazil's Labour Laws states that: It is prohibited the adoption of discriminatory practices and for the purpose of limiting access to the employment relationship, or its maintenance by reason of sex, origin, race, color, marital status, family status or age, except in this case the chances of child protection provided for in paragraph XXXIII art. 7 of the Federal Constitution.</p> <p>The "Femicide/Feminicide" law, signed by President Dilma Rousseff on 9 March 2015, is new legislation under Brazil's Penal Code that imposes harsher penalties for those who harm or kill women or girls on account of their gender.</p> <p>Law 13,112/2015, sanctioned by ex-President Dilma Rousseff in March 2015, legally equates mothers and fathers on the obligation to register the newborn and allows mothers to seek registration of birth of their children at register offices without the presence of the father.</p> <p>Law 13109, also sanctioned in March, 2015, provides for six months maternity leave for women in the military armed forces.</p>
<p>PLRs require public institutions to raise awareness on gender equity (through programmes for gender sensitisation, focal points, etc.)</p>	<p>There are numerous regulations of the federal government, including a MMA ordinances #25/2008 and #287/2012, that address gender discrimination and require public institutions to raise awareness on gender equity (http://www.spm.gov.br/mecanismos-de-genero):</p> <ol style="list-style-type: none"> 1. Ministry of Agrarian Development - MDA: Special Gender, Race and Ethnicity Advisory for the Rural Women and Quilombola Women's Directory (Decree nº 7.255 / 2010), for example; 2. Ministry of Social Development and Fight against Hunger - MDS: Standing Committee for Women and Gender (Ordinance No. 381/2009); 3. Ministry of Labor and Employment - MTE: Commission on equal opportunities for gender, race and ethnicity, persons with disabilities and anti-discrimination (Ordinance No. 219/2008); 4. Ministry of Health - MS: technical area of women's health (PNAISM);

	<p>5. Ministry of the Environment - MMA: Internal Gender Committee (Portaria nº 25/2008 and Portaria nº 287/2012);</p> <p>6. Ministry of Agriculture, Livestock and Supply - MAPA: Policy Committee for Women and Gender (Ordinance No. 806/2013);</p> <p>7. Ministry of Foreign Affairs - MRE: Gender and Race Management Committee (Ordinance No. 491, of September 12, 2014);</p> <p>8. Ministry of Fisheries and Aquaculture - MPA: Gender Committee (Ordinance No. 361, of September 11, 2014); and</p> <p>9. Ministry of Culture - MinC: Internal Committee on Policies for Women and Gender (Ordinance MinC nº 114, of November 11, 2015).</p>
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Safeguard B

Criteria B.2. Effective National Forest Governance
Sub-Criteria B.2.4: Adequate Access to Justice

Diagnostic Question: To what extent do the PLRs guarantee adequate access to justice in the context of forest management?

Indicators	Explanation (identify articles/provisions)
PLRs recognise the right to access to justice	The right to access to justice is provided for in the Federal Constitution, in its art. 5, item XXXV. The Federal Constitution lists mechanisms to provide accessibility to the judiciary, such as: public defender; free legal aid; the appointment of legal counsel, in the absence of a public defender or any other body that allows the needy population to join the judiciary. It also provides the creation of Special Civil and Criminal Courts, both at the state level and at the federal level, with jurisdiction for the causes defined in Law 9,099/1995 and Law 10,259/2001, respectively.

<p>PLRs provide dispute resolution mechanisms to address disputes at all levels (describe these)</p>	<p>The <u>rights of indigenous peoples</u>, traditional peoples and communities, and traditional and family farmers shall include collective land tenure. This right to land can be interpreted as a prevailing right, consisting of a number of other rights, such as the right to full possession and legal security in possession of land; the right to effective dispute resolution mechanisms; the right to install basic, public and differentiated services, respecting cultural and local specificities; the right to protection and territorial and environmental management.</p> <p>In support of Cancun safeguard D, Brazil seeks to ensure the full and effective <u>participation of the stakeholders</u>. For this, it is necessary to: Provide mechanisms for grievance, diligence, appeal and resolution of conflicts through, among others, ombudsman systems.</p> <p>The PPCDAm's new governance model has been divided into three spheres: Executive, Consultative and Transparency. This sought to facilitate the exchange of information, adjustments of paths, decision-making by the Ministry of the Environment as a coordinating body and the solution of problems and conflicts that may arise between federal agencies and even between <u>federal and state agencies</u>.</p>
<p>PLRs provide special consideration for vulnerable groups in guaranteeing their right to access to justice</p>	<p>The “Maria da Penha Law” (also known as Brazil’s Federal Law 11340) has the objective of reducing domestic violence against women. The law expedites court orders and domestic violence cases, as well as imposes harsher sentences for perpetrators. In 2015, women were afforded greater protection when the “Lei do Femicídio,” was adopted, which distinguished regular homicides from homicides specifically targeting women by adding it to the Brazilian Penal Code and imposing higher penalties for perpetrators, ranging anywhere from twelve to thirty years.</p>
<p>Safeguard B</p>	
<p>Criteria B.2. Effective National Forest Governance Sub-Criteria B.2.5: Integration of Social, Economic and Environmental Considerations into policy-making</p>	

Diagnostic Question: To what extent do PLRs require/promote the integration of social, economic and environmental considerations in forest management?	
Indicators	Explanation (identify articles/provisions)
PLRs require that policy-making takes into consideration their potential environmental impacts (including environmental impact assessments prior to their implementation)	<p>Decree # 8,576 was published, as of November 26th, 2015, establishing REDD+ National Commission (CONAREDD+). The Decree assigned the Minister of the Environment the task to establish ENREDD+, which was done through MMA Ordinance # 370, as of December 02nd, 2015.</p> <p>The overall purpose established by ENREDD+ is to contribute to climate change mitigation by eliminating illegal deforestation, promoting conservation and restoration of forest ecosystems and fostering a low-carbon and sustainable forest economy, delivering environmental, social and economic benefits.</p> <p>In order to achieve the overall objective, there specific objectives have been defined. The first of these is:</p> <ul style="list-style-type: none"> • To improve the monitoring and impact assessment of public policies for REDD+, in order to maximize their contribution to global climate change mitigation, observing the social and environmental safeguards agreed under the UNFCCC;
PLRs require EIAs of investment projects (forestry sector, infrastructure)	<p>The ENREDD+ Strategy is structured upon three action lines, the first of which is:</p> <p>1. Coordinating Public Policies on Climate Change, Biodiversity and Forests, including Safeguards – the main activities planned are the development of a matrix to assess the impact and results of public policies on climate change and forests (aiming at supporting decision making in the allocation of REDD+ investments).</p>
PLRs require regular monitoring of social economic and environmental impacts of policy implementation	<p>CONAREDD+ is responsible for coordinating, overseeing and monitoring the implementation of the National REDD+ Strategy, relying on the counseling of the Executive Secretary (MMA) and Thematic Advisory Boards (CCT) to support the work.</p>

<p>PLRs promote non-discrimination, equal opportunity and fair treatment of workers, and prohibit the use of forced labour or child labour, consistent with relevant ILO conventions.</p>	<p>Brazil is a founding member of the ILO and the first Latin American country to host an ILO field office, opened in 1950. Brazil has ratified 96 international labour conventions.</p> <p>ILO Programme Results for Brazil in 2014 and 2015 (https://www.ilo.org/wcmsp5/groups/public/--americas/---ro-lima/---ilo-brasilvia/documents/publication/wcms_496601.pdf)</p> <p>Elimination of discrimination in the work place</p> <ul style="list-style-type: none"> --Promoted equal opportunities and treatment in the work place. --Adopted a law that guarantees the same rights and working conditions for domestic workers as in other work categories. --Fifth edition of the Pro Gender and Racial Equity Program (Federal Government) that encourages public and private businesses to adopt measures promoting equal opportunities and treatment. --National campaign to fight homo-lesbo-transphobia and the stigma of HIV/Aids in the work place, launched in a tripartite manner. --The Businesses and LGBT Rights Forum, made up of over 30 multinational companies, launched the “10 company commitments to promote LGBT human rights” based on the International Labour Standards. <p>Strengthening of public policies and social actions to eliminate forced labor and child labor, with special attention to its worst forms</p> <ul style="list-style-type: none"> --Launch the system of municipal decent work indicators that includes data about child labor, especially in its worst forms. --The government designed and implemented a program with a set time period to fight child labour. --Approval and enactment of the Constitutional Amendment 81/2014 about forced labor that states: “the rural and urban properties in any region of the country ... where the exploitation of slave labor is found, shall, according to the law, be expropriated and allocated to land reform and public housing programs...” --The Brazilian Institute of Technology and Statistics developed a supplementary module for specific subjects of work relations in order to obtain information and proof of forced labour practices. <p>Additional information:</p>
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	<p>Eliminate Forced Labour Through the Programme to Combat Forced Labour, the ILO promotes actions aimed at increasing the knowledge base on forced labour, strengthening the National Committee for Eradicating Forced Labour (CONATRAE), involving workers and employers in confronting and preventing the crime.</p> <p>Eliminate Child Labour Brazil was among the first six countries to receive the ILO's Programme on the Elimination of Child Labour (IPEC) in 1992. Since then, many projects and initiatives have been implemented to support the country in its fight against child labour. The ILO has implemented with the Ministry of Social Development a project that developed inter-sectoral municipal diagnosis, enabling the development of localized and inter-sectoral actions to eradicate and prevent child labour.</p> <p>Constitutional Amendment No. 20 of December 15, 1998: Constitutional Amendment of Article 7 XXXIII to prohibit hazardous work to persons less than 18 years and to establish the minimum age for admission to work at 16 years (except for apprenticeship).</p>
Safeguard B	
Criteria B.2. Effective National Forest Governance	
Sub-Criteria B.2.6: Cross-Sectoral Coordination	
Diagnostic Question: to what extent do PLRs require/promote effective coordination between various agencies that play a role in forest management?	
Indicators	Explanation (identify articles/provisions)
PLRs define concrete mechanisms to support and encourage coordination (inter-ministerial committees, working groups, cross cutting teams, etc.)	<p>The Action Plan for the Prevention and Control of Deforestation in the Legal Amazon (PPCDAm), launched in 2004, aims to reduce deforestation rates continuously and to bring about the conditions for a transition towards a sustainable development model in the region.</p> <p>A major challenge faced by the plan early on was that of internalizing the concern with deforestation in a diverse set of sectoral policies. The perception that the environmental institutions could not fight deforestation in isolation, due its complexity and crosscutting nature, lead to the coordinated</p>

	<p>approach chosen, with the engagement of several bodies and actors within the federal government and beyond.</p> <p>The PPCDAm has been structured to address the causes of deforestation with a crosscutting, coordinated and intensive approach.</p> <p>Combining experience and results from PPCDAm and the Amazon Fund laid the foundation for Brazil to develop the National REDD+ Strategy.</p> <p>CONAREDD+ was created with the purpose of promoting, among others, integration and synergy among public policies on forests, biodiversity and climate change at different administrative levels.</p> <p>CONAREDD+ is responsible for coordinating, overseeing and monitoring the implementation of the National REDD+ Strategy, relying on the counseling of the Executive Secretary (MMA) and Thematic Advisory Boards (CCT) to support the work.</p>
PLRs define effective mechanisms for information sharing across different sectors and levels of government for forest management	In addition to the information sharing role played by PPCDAm and CONAREDD+, SISREDD+ (the Safeguard Information System for REDD+), whose guidelines and responsibilities are currently in the process of development, is expected to have a significant information sharing role, especially as concerns social and environmental safeguards in the context of REDD+ projects.

Safeguard C	
Criteria C.1. Defining Indigenous Peoples and Members of Local Communities	
Diagnostic Question 1: Do PLRs define who are indigenous peoples and local communities?	
Indicators	Explanation (identify articles/provisions)

<p>PLRs clearly define or provide clear criteria for defining who are indigenous people and this definition/these criteria is/are consistent with international law</p>	<p>In Brazil, the most accepted criterion for defining indigenous peoples is that of ethnic self-identification⁷. That is, Indigenous Peoples are the members of a group of people who identify themselves as collectively distinct from the national society as a whole due to their historical links to pre-Columbian populations. Every individual who recognize herself/himself as part of a group with those characteristics and is recognized by the group as such may be considered an Indigenous person. An indigenous community is any community founded on kinship or co-residence relations between its members, who maintain historical-cultural ties with pre-Colombian indigenous social organizations. The kinship or co-residence relations constituting the community include relations of affinity, adoptive affiliation, and ritual or religious kinship and are more generally defined in terms of the conception of fundamental interpersonal bonds held by the community in question.</p>
<p>PLRs clearly define who are local communities</p>	<p>The CONAREDD+ established (Committee's Decision N 09) the interpretation of Cancun safeguards in the Brazilian context, which includes the definition of who are local communities (traditional peoples and communities and traditional and family farmers). Those different concepts are provided in specific legislation such as: Decree N 6,040/2007, Law N 11,326/2006 and Law N 13,123/2015.</p>

Safeguard C	
Criteria C.2.: Definition of traditional knowledge of indigenous peoples and local communities	
<p>Diagnostic Question: To what extent do PLRs define what constitutes traditional knowledge of indigenous peoples and local communities?</p>	
Indicators	Explanation (identify articles/provisions)

⁷ https://pib.socioambiental.org/en/Who_are_they%3F

<p>PLRs define traditional knowledge of indigenous peoples</p>	<p>Access and Distribution of Biodiversity Benefits Act, Law # 13,123/2015 Establishes rules to access genetic heritage, access the corresponding traditional knowledge, and share benefits. It sets the national definition of associated traditional knowledge, incorporating indigenous peoples, traditional communities and traditional farmers; also, the terms for access with the definition of parameters for prior and informed consent, and the fair and equitable sharing of benefits. Fundamental policy to protect and promote the rights and traditional knowledge of these people that must be supported by the National REDD+ Strategy.</p>
<p>PLRs define traditional knowledge of local communities</p>	<p>Access and Distribution of Biodiversity Benefits Act, Law # 13,123/2015 Establishes rules to access genetic heritage, access the corresponding traditional knowledge, and share benefits. It sets the national definition of associated traditional knowledge, incorporating indigenous peoples, traditional communities and traditional farmers; also, the terms for access with the definition of parameters for prior and informed consent, and the fair and equitable sharing of benefits. Fundamental policy to protect and promote the rights and traditional knowledge of these people that must be supported by the National REDD+ Strategy.</p>
<p>PLRs protect/regulate traditional knowledge of local communities and indigenous peoples</p>	<p>National Biodiversity Policy, Decree # 4,339/2002 Promotes, in an integrated manner, the conservation of biodiversity and the sustainable use of its components, with the fair and equitable sharing of benefits derived from the use of genetic resources, components of genetic heritage and traditional knowledge associated with these resources.</p> <p>Access and Distribution of Biodiversity Benefits Act, Law # 13,123/2015 Establishes rules to access genetic heritage, access the corresponding traditional knowledge, and share benefits. It sets the national definition of associated traditional knowledge, incorporating indigenous peoples, traditional communities and traditional farmers; also, the terms for access with the definition of parameters for prior and informed consent, and the fair and equitable sharing of benefits. Fundamental policy to protect and promote the rights and traditional knowledge of these people that must be supported by the National REDD+ Strategy.</p>

<p>Safeguard C</p>
<p>Criteria C.3. Recognition and Implementation of Rights in Accordance with International Law</p>
<p>Sub-criteria C.3.1.: Non-Discrimination</p>

Diagnostic Question: to what extent do PLRs recognise and protect the right to non-discrimination of indigenous peoples and local communities in accordance with international law?	
Indicators	Explanation (identify articles/provisions)/Gaps identified
PLRs recognise and protect the right of indigenous peoples and local communities to non-discrimination in accordance with ILO 169 and UNDRIP (if applicable)	<p>The knowledge and rights of indigenous peoples, traditional peoples and communities, and traditional and family farmers, are acknowledged by the following international and national instruments: Articles 231 and 48 of ADCT of the Federal Constitution; Legislative Decree # 2/1994; Decrees # 5,051/2004, 6,040/2007, 6,476/2008, 7,747/2012; Laws # 11,326/06, 13,123/15; and the United Nations Declaration on the Rights of Indigenous Peoples.</p> <p>Furthermore, in 2013, the Monitoring System for Policies to Promote Racial Equality, which includes the “Brazil Quilombola Program” (http://monitoramento.seppir.gov.br/), was launched. From 2014, a new stage of the data integration process for this system was initiated to broaden the monitoring and assessment of these policies.</p>

Safeguard C	
Criteria C.3. Recognition and Implementation of Rights in Accordance with International Law	
Sub-criteria C.3.2.: Self-Determination	
Diagnostic Question: To what extent do the PLRs recognise and protect the right to self-determination of indigenous peoples and local communities in accordance with international law?	
Indicators	Explanation (identify articles/provisions)
PLRs recognise and protect indigenous peoples and local communities’ right to self-determination in accordance with ILO 169 and	The right to FPIC was provided for in Convention no. 169 and received national legal protection in Brazil with the ratification of the Convention no. 169 / ILO, on June 20, 2002, and which came into force on July 25, 2003. The American Convention on Human Rights (ACHR), in force in Brazil since

<p>UNDRIP (if applicable)</p>	<p>September 25, 1994, and the Declaration (UNDRIP), signed in 2007, also offer international protections, locating the right to FPIC in the role of fundamental human rights for indigenous and tribal peoples. Because they have provisions on human rights, these conventions have been incorporated into Brazilian law as supra-legal norms, having immediate applicability, as the Federal Supreme Court (STF) has recognized.⁵</p> <p>Furthermore, the National Policy for Territorial and Environmental Management of Indigenous Lands (PNGATI) aims to guarantee and promote protection, recovery, conservation and sustainable use of the natural resources found in indigenous lands and territories, ensuring the integrity of the indigenous heritage, improvement of their quality of life and full conditions of physical and cultural reproduction of indigenous peoples current and future generations, respecting their sociocultural autonomy.</p> <p>Creation, in 2013, of the Management Committee of PNGATI (CG-PNGATI), the governance body of PNGATI, responsible for the coordination, execution and monitoring of the Policy. The CG-PNGATI is composed of eight representatives of agencies and entities from the federal public administration and eight representatives of indigenous organizations from all over the country who have the right to speak and vote. The chair of the Committee is alternated between the federal government and indigenous organizations.</p> <p>PNGATI's Integrated Plan of Implementation (PII⁸) (2016), designed as a priority instrument for mobilizing government agencies, indigenous peoples and their partner organizations and entities.</p> <p>Demarcation of indigenous lands – categories shown in Table below go since the initial stages of the demarcation process (under study) until the full possession of the territory by the indigenous people (homologated):</p> <table border="1" data-bbox="824 1169 2063 1206"> <tr> <td data-bbox="824 1169 1072 1206">Year / stage of</td> <td data-bbox="1072 1169 1321 1206">Under study</td> <td data-bbox="1321 1169 1570 1206">Delimited</td> <td data-bbox="1570 1169 1818 1206">Declared</td> <td data-bbox="1818 1169 2063 1206">Homologated</td> </tr> </table>					Year / stage of	Under study	Delimited	Declared	Homologated
Year / stage of	Under study	Delimited	Declared	Homologated						

⁸ The PNGATI's Integrated Plan of Implementation can be accessed at the link:
http://cggamgati.funai.gov.br/files/8514/8839/5235/Plano_Integrado_de_Implementacao_da_PNGATI.pdf

	demarcation				
	2011	47	09	05	03
	2012		26	09	15
	2016		12	12	03
PLRs recognise traditional decision-making structures (including dispute resolution mechanisms, if applicable)	<p>Seeking to strengthen the right to free, prior and informed consent and consultation, indigenous peoples and traditional peoples and communities have developed their own consultation protocols. These protocols are collaboratively designed by the communities and are intended to communicate to governments and other sectors of society the way they wish to be consulted on initiatives that impact or affect their communities and territories.</p> <p>To date, the following protocols have been identified:</p> <ul style="list-style-type: none"> ● Wajãpi Consultation and Consent Protocol (2014) ● Munduruku Consultation Protocol (2014) ● Montanha and Mangabal Consultation Protocol (2014) ● Peoples of the Xingu Indigenous Territory Consultation Protocol (2016) ● Munduruku and Apiaka Peoples of the Santareno Plateau Consultation Protocol (2017) ● Juruna Consultation Protocol (Yudijá) of Paquiçamba da Volta Grande do Xingu Indigenous Land (2017) <p>Between May 16th and 21st, 2017, the first meeting of prior consultation to Waj.pi was held, aimed to discuss the occupation and the rules of use in the neighbouring areas of the Waj.pi Indigenous Land (TIW). The National Institute for Colonization and Land Reform (INCRA) conducted the consultation in conjunction with the Amapa State Forest Institute (IEF), following a recommendation of the Public Prosecutor's Office, at the request of the Waj.pi Council of Villages – Apina. In this process, government agencies are following the rules defined by the Waj.pi Consultation and Consent Protocol, prepared by the indigenous group itself in 2014. This is the first time in the country that a consultation is carried out in the manner proposed by the indigenous group consulted, as established by the International Labor Organization (ILO) Convention 169 Concerning Indigenous and Tribal Peoples, ratified and incorporated into the Brazilian legislation in 2004 (Decree #5,051), ensuring the right to free, prior and informed</p>				

	consultation to indigenous peoples and traditional populations affected by governmental projects or measures (IEPE, 2017). For more information, please visit: http://www.institutoiepe.org.br/2017/06/
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Safeguard C	
Criteria C.3. Recognition and Implementation of Rights in Accordance with International Law	
Sub-criteria C.3.3.: Rights Associated with Culture	
Diagnostic Question: To what extent do PLRs recognise and protect rights associated with culture of indigenous peoples and local communities in accordance with international law?	
Indicators	Explanation (identify articles/provisions)
PLRs protect indigenous peoples and local communities' rights associated with culture, including respect for customs and traditions	<p>The National Policy for Territorial and Environmental Management of Indigenous Lands (PNGATI) aims to guarantee and promote protection, recovery, conservation and sustainable use of the natural resources found in indigenous lands and territories, ensuring the integrity of the indigenous heritage, improvement of their quality of life and full conditions of physical and cultural reproduction of indigenous peoples current and future generations, respecting their sociocultural autonomy.</p> <p>For additional information, see responses to the preceding two sections (above), which cover the responsibilities/actions of PNGATI and the indigenous consultation protocols coordinated by INCRA.</p>

Safeguard C	
Criteria C.3. Recognition and Implementation of Rights in Accordance with International Law	
Sub-criteria C.3.4.: Collective Land Tenure	

Diagnostic Question: To what extent do PLRs recognise and protect rights associated with land tenure of indigenous peoples and local communities in accordance with international law?									
Indicators	Explanation (identify articles/provisions)								
<p>PLRs recognise collective forest ownership/use/management rights of indigenous peoples and/or local communities</p>	<p>The National Policy for Territorial and Environmental Management of Indigenous Lands (PNGATI⁹) aims to guarantee and promote protection, recovery, conservation and sustainable use of the natural resources found in indigenous lands and territories, ensuring the integrity of the indigenous heritage, improvement of their quality of life and full conditions of physical and cultural reproduction of indigenous peoples current and future generations, respecting their sociocultural autonomy.</p> <p>Creation, in 2013, of the Management Committee of PNGATI (CG-PNGATI), the governance body of PNGATI, responsible for the coordination, execution and monitoring of the Policy. The CG-PNGATI is composed of eight representatives of agencies and entities from the federal public administration and eight representatives of indigenous organizations from all over the country who have the right to speak and vote. The chair of the Committee is alternated between the federal government and indigenous organizations.</p> <p>PNGATI's Integrated Plan of Implementation (PII¹⁰) (2016), designed as a priority instrument for mobilizing government agencies, indigenous peoples and their partner organizations and entities.</p> <p>Demarcation of indigenous lands – categories shown in Table below go since the initial stages of the demarcation process (under study) until the full possession of the territory by the indigenous people (homologated):</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%;">Year / stage of</td> <td style="width: 20%;">Under study</td> <td style="width: 20%;">Delimited</td> <td style="width: 20%;">Declared</td> <td style="width: 20%;">Homologated</td> </tr> </table>				Year / stage of	Under study	Delimited	Declared	Homologated
Year / stage of	Under study	Delimited	Declared	Homologated					

⁹ More information about PNGATI can be found at the link: <http://www.funai.gov.br/pngati/>

¹⁰ The PNGATI's Integrated Plan of Implementation can be accessed at the link: http://cggamgati.funai.gov.br/files/8514/8839/5235/Plano_Integrado_de_Implementacao_da_PNGATI.pdf

	demarcation				
	2011	47	09	05	03
	2012		26	09	15
	2016		12	12	03
PLRs establish transparent and fair procedures to address circumstances where rights need to be extinguished or diminished	<p>Land conflicts have increased significantly in recent years. The Amazon Region accounts for 57% of conflicts in 2016, and 54% of families involved in land conflicts (CPT, 2016).</p> <p>Conflicts in areas supported by the Amazon Fund: A conflict was identified in an indigenous land inhabited by more than one people. The Amazon Fund team gathered information (from local media, specialized media, people in charge of the project action execution and FUNAI) and attended a meeting with representatives of the peoples inhabiting the indigenous land (except for an isolated people). The meeting was conducted by the institution responsible for the project, with the goal to understand the nature of the conflict and the positioning of the stakeholders. They came to the conclusion that the actions supported by the Fund were neither responsible for nor contributed to the conflict. It is worth pointing out the situation has been mitigated, but it is still of an unstable balance, in addition to suffering external pressures arising from issues prior to the project.</p>				

Safeguard C	
Criteria C.3. Recognition and Implementation of Rights in Accordance with International Law	
Sub-criteria C.3.5: Benefit-Sharing	
Diagnostic Question: To what extent do PLRs recognise and protect benefit-sharing arrangements specific to indigenous peoples and local communities in accordance with international law?	
Indicators	Explanation (identify articles/provisions)
PLRs define mechanisms for equitable sharing of the benefits (specific to indigenous peoples/local communities) arising out of the	ENREDD+ strategy is structured upon three action lines, the third of which is: Fundraising for REDD+ Results-Based Payments and Benefit Sharing - among CONAREDD+ tasks, it

<p>utilisation of forest resources and the utilisation of traditional forest-related knowledge</p>	<p>is worth highlighting the creation of criteria and rules for eligibility to access REDD+ results-based payments achieved by the country and acknowledged by UNFCCC; determining guidelines to fundraise and use resources, as well the rules to monitor agreements.</p> <p>The implementation of ENREDD+ consolidated the multilevel approach of benefit sharing, by decentralizing the fund-raising potential for REDD+ results. The objective of the decentralization is to develop a national system of REDD+ that can act in an integrated manner at both federal and state levels, channeling resources and encouraging the development of a green, forest-based economy, besides providing a broad distribution of REDD+ benefits, coming from different channels.</p> <p>The Alto Jurua Project was proposed by the Amonia River Aswaninka Association (APIWTXA) with the purpose of promoting agroforestry management and production in traditional and indigenous communities, in order to have a sustainable economic alternative to deforestation, support monitoring and territory control initiatives and strengthen the organization of the local community. The agreement value is BRL 6.5 million (USD 2.2 million), out of which 93% were disbursed, which is an indicator of good execution by the proponent.</p> <p>This was the first project with a direct agreement with an indigenous peoples association. Until May 2017, the main results of the project included: 1,300 beneficiaries, among the indigenous inhabitants of the Amonia River Kampa TI and the Breu River Kaxinawa-Ashaninka TI, and non-indigenous people from Alto Jurua Extractive Reserve.</p>
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Safeguard D
Criteria D.1.: Definition and Regulation Meaningful Full and Effective Participation
Diagnostic Question: To what extent do PLRs guarantee effective public participation in forest related policymaking?

Indicators	Explanation (identify articles/provisions)
PLRs recognise the right to public participation in decision-making (policy process and/or development projects)	<p>Civil society representatives have been elected by the Brazilian Forum of Climate Change (FBMC; https://www.fbmc.com.br/), which appointed representatives from indigenous peoples and traditional peoples and communities to be part of CONAREDD+, according to this safeguard.</p> <p>Thematic Advisory Boards (CCT) as forums to expand discussions and social participation at ENREDD+, determine specific criteria and representativeness (regional distribution, gender and different forms of knowledge) for participation.</p>

Safeguard D	
Criteria D.2.: Creating an Enabling Environment for an Effective Participation	
Sub-criteria D.2.1.: Identification of Relevant Stakeholders	
Diagnostic Question: To what extent do PLRs identify or require the identification of relevant stakeholders in the decision-making process?	
Indicators	Explanation (identify articles/provisions)
PLRs require a mapping of relevant stakeholders prior to consultations	<p>Civil society representatives have been elected by the Brazilian Forum of Climate Change, which appointed representatives from indigenous peoples and traditional peoples and communities to be part of CONAREDD+, according to this safeguard.</p> <p>Thematic Advisory Boards (CCT) as forums to expand discussions and social participation at ENREDD+, determine specific criteria and representativeness (regional distribution, gender and different forms of knowledge) for participation.</p>
PLRs define relevant stakeholders that should participate in the decision-making process	<p>CONAREDD+ is formed by different sector ministries, which promote integration with the policies they coordinate and actors with whom they dialogue, state and local governments, and the civil society, including representatives from indigenous peoples and traditional peoples and communities.</p> <p>Civil society representatives have been elected by the Brazilian Forum of Climate Change, which appointed representatives from indigenous peoples and traditional peoples and communities to</p>

	<p>be part of CONAREDD+, according to this safeguard.</p> <p>Thematic Advisory Boards (CCT) as forums to expand discussions and social participation at ENREDD+, determine specific criteria and representativeness (regional distribution, gender and different forms of knowledge) for participation.</p>
<p>PLRs require engagement/representation of local communities and/or indigenous peoples in relevant forest decision making processes</p>	<p>MMA and National Indigenous People Foundation (FUNAI) have been working in capacity-building of representatives of indigenous peoples, traditional peoples and communities, and traditional and family farmers to implement ENREDD+, also counting on the aid of international cooperation projects.</p> <p>Elaboration of PNGATI: participatory process of elaboration, involving about 1,250 indigenous, representatives of 186 peoples (OLIVEIRA, 2012).</p> <p>"Training PNGATI": classes designed to improve intercultural, interinstitutional and intersector debates to address the current challenges of indigenous land environmental management.</p> <p>2013 and 2016: six training courses distributed in different regions of the country, 224 participants (64% indigenous and 36% public administrators).</p>

Safeguard D	
Criteria D.2.: Creating an Enabling Environment for an Effective Participation	
Sub-criteria D.2.2. Providing Access to Information	
<p>Diagnostic Question: to what extent do PLRs require and regulate the provision of relevant and appropriate information as part of the consultation process?</p>	
Indicators	Explanation (identify articles/provisions)
<p>PLRs clearly define the types of information that</p>	<p>The Fund's guidelines establish that: (1) projects shall include consent from all partners and co-</p>

<p>should be provided during consultations</p>	<p>executors; and (2) projects involving traditional communities and indigenous peoples must necessarily present a document proving the prior consent of these communities or their representative entities.</p> <p>Project analyses include the assessment of the need to insert contractual obligations (special obligations and/or preconditions for the disbursement) that ensure the socio-environmental adequacy of the project. The environmental agency might advise about certain actions of the project, land tenure issues, the existence of protected areas, indigenous lands or presence of traditional communities, as well as their consent to those actions¹¹. The following BNDES guidelines relate to this safeguard:</p> <ul style="list-style-type: none"> --Projects involving traditional communities: identification of the traditional community involved and prior consent from the community or its representative entity. Experience shows that there are local forms of consensus, such as assemblies, which are usually confirmed by minutes and can also be substantiated by other means, such as audiovisual media. --Projects involving indigenous peoples: submission of a document attesting the consent of FUNAI to the actions to be implemented, identifying the indigenous communities covered, and submission of a document containing prior consent of each community, or its representative body. --Projects that involve actions in settlements: submission of a legal document of settlement constitution and submission of the consent from the applicable land agency to the actions to be implemented in the corresponding settlements. --Projects involving actions in conservation units: submission of the document from public authorities that created the conservation unit, and submission of a document proving the consent from the applicable managing body to the corresponding conservation unit. <p>Project analyses include field visits, in which, among other issues, the interaction between the proponent and the final beneficiaries (indigenous communities, traditional peoples, rural settlers,</p>
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¹¹ It is worth emphasizing that in the Guidelines and Criteria to Apply Resources of the Amazon Fund (2015/2016), one of the Minimum Requirements for Projects (B.3) is social participation, according to which "projects involving traditional communities and indigenous peoples must present a document proving prior consent of these communities or their representative institutions..."

	small farmers, among others) is verified, as well as the representativeness of the proponent.
PLRs require the distribution of information in a timely manner (prior to consultations)	As outlined in Brazil's Second SOI, in order to ensure the full and effective participation of the stakeholders, it is necessary to: <ul style="list-style-type: none"> a) Broadly communicate relevant information, in a timely and culturally appropriate manner, at all stages of REDD+ actions;

Safeguard D	
Criteria D.2.: Creating an Enabling Environment for an Effective Participation	
Sub-criteria D.2.3: Appropriate Participatory Mechanisms	
Diagnostic Question: to what extent do PLRs define a clear and meaningful process/mechanism for public participation in environmental decision-making?	
Indicators	Explanation (identify articles/provisions)
PLRs define a clear process for public authorities to carry out consultations (institutional responsibilities, procedural guidelines, time-frames)	<p>Since 2014, indigenous peoples and traditional peoples and communities in Brazil have been developing their own consultation protocols.</p> <p>However, the following BNDES guidelines also relate to this safeguard:</p> <ul style="list-style-type: none"> --Projects involving traditional communities: identification of the traditional community involved and prior consent from the community or its representative entity. Experience shows that there are local forms of consensus, such as assemblies, which are usually confirmed by minutes and can also be substantiated by other means, such as audiovisual media. --Projects involving indigenous peoples: submission of a document attesting the consent of FUNAI to the actions to be implemented, identifying the indigenous communities covered, and

	<p>submission of a document containing prior consent of each community, or its representative body.</p> <p>--Projects that involve actions in settlements: submission of a legal document of settlement constitution and submission of the consent from the applicable land agency to the actions to be implemented in the corresponding settlements.</p> <p>--Projects involving actions in conservation units: submission of the document from public authorities that created the conservation unit, and submission of a document proving the consent from the applicable managing body to the corresponding conservation unit.</p> <p>Project analyses include field visits, in which, among other issues, the interaction between the proponent and the final beneficiaries (indigenous communities, traditional peoples, rural settlers, small farmers, among others) is verified, as well as the representativeness of the proponent.</p>
<p>PLRs define the process for addressing inputs received from the consultations</p>	<p>In the context of environmental impact assessment, according to CONAMA Decision No. 009/1987, the public consultations must be finalized with a document containing all the main inputs and written and signed documents that are delivered as attachments. That document of the public consultation and its annexes shall be considered in the technical advice on project approval.</p>
<p>PLRs regulate how public authorities should react if consultations are overwhelmingly negative (right to refuse a policy/project)</p>	<p>Conflicts in areas supported by the Amazon Fund: A conflict was identified in an indigenous land inhabited by more than one people. The Amazon Fund team gathered information (from local media, specialized media, people in charge of the project action execution and FUNAI) and attended a meeting with representatives of the peoples inhabiting the indigenous land (except for an isolated people). The meeting was conducted by the institution responsible for the project, with the goal to understand the nature of the conflict and the positioning of the stakeholders. They came to the conclusion that the actions supported by the Fund were neither responsible for nor contributed to the conflict.</p>
<p>PLRs require disclosure of how public input was reflected into the final decision</p>	

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Safeguard D	
Criteria D.2.: Creating an Enabling Environment for an Effective Participation	
Sub-criteria D.2.4. Access to Justice/Conflict Resolution Mechanisms in Environmental Decision Making	
Diagnostic Question: to what extent do PLRs require and regulate access to justice in environmental decision making processes?	
Indicators	Explanation (identify articles/provisions)
PLRs clearly define/create dispute resolution mechanisms relevant to environmental decision making	

Safeguard D	
Criteria D.3. Effective Participation of Indigenous Peoples and Local Communities	
Sub-criteria D.3.1. Creating an Enabling Environment	
Diagnostic Question: to what extent do PLRs create an enabling environment for the meaningful participation of indigenous peoples and local communities?	
Indicators	Explanation (identify articles/provisions)
PLRs include specific provisions that require engagement/representation of local communities and/or indigenous peoples in	The Fund's guidelines establish that: (1) projects shall include consent from all partners and co-executors; and (2) projects involving traditional communities and indigenous peoples must necessarily present a document proving the prior consent of these communities or their

<p>relevant forest decision making processes</p>	<p>representative entities.</p> <p>Project analyses include the assessment of the need to insert contractual obligations (special obligations and/or preconditions for the disbursement) that ensure the socio-environmental adequacy of the project. The environmental agency might advise about certain actions of the project, land tenure issues, the existence of protected areas, indigenous lands or presence of traditional communities, as well as their consent to those actions¹². The following BNDES guidelines relate to this safeguard:</p> <ul style="list-style-type: none"> --Projects involving traditional communities: identification of the traditional community involved and prior consent from the community or its representative entity. Experience shows that there are local forms of consensus, such as assemblies, which are usually confirmed by minutes and can also be substantiated by other means, such as audiovisual media. --Projects involving indigenous peoples: submission of a document attesting the consent of FUNAI to the actions to be implemented, identifying the indigenous communities covered, and submission of a document containing prior consent of each community, or its representative body. --Projects that involve actions in settlements: submission of a legal document of settlement constitution and submission of the consent from the applicable land agency to the actions to be implemented in the corresponding settlements. --Projects involving actions in conservation units: submission of the document from public authorities that created the conservation unit, and submission of a document proving the consent from the applicable managing body to the corresponding conservation unit. <p>Project analyses include field visits, in which, among other issues, the interaction between the proponent and the final beneficiaries (indigenous communities, traditional peoples, rural settlers, small farmers, among others) is verified, as well as the representativeness of the</p>
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¹² It is worth emphasizing that in the Guidelines and Criteria to Apply Resources of the Amazon Fund (2015/2016), one of the Minimum Requirements for Projects (B.3) is social participation, according to which "projects involving traditional communities and indigenous peoples must present a document proving prior consent of these communities or their representative institutions..."

	proponent.
PLRs define a culturally appropriate manner to distribute relevant information (non-technical, accessible)	Since 2014, indigenous peoples and traditional peoples and communities in Brazil have been developing their own consultation protocols.
PLRs require the incorporation of traditional/community structures for decision-making processes	Since 2014, indigenous peoples and traditional peoples and communities in Brazil have been developing their own consultation protocols.
PLRs provide technical or financial assistance to strengthen the capacities of local communities and indigenous peoples to participate in environmental decision making	<p>MMA and National Indigenous People Foundation (FUNAI) have been working in capacity-building of representatives of indigenous peoples, traditional peoples and communities, and traditional and family farmers to implement ENREDD+, also counting on the aid of international cooperation projects.</p> <p>Elaboration of PNGATI: participatory process of elaboration, involving about 1,250 indigenous, representatives of 186 peoples (OLIVEIRA, 2012).</p> <p>"Training PNGATI": classes designed to improve intercultural, interinstitutional and intersector debates to address the current challenges of indigenous land environmental management.</p> <p>2013 and 2016: six training courses distributed in different regions of the country, 224 participants (64% indigenous and 36% public administrators).</p>

Safeguard D

Criteria D.3. Effective Participation of Indigenous Peoples and Local Communities

Sub-criteria D.3.2.: Free, Prior and Informed Consent

Diagnostic Question: to what extent do PLRs recognise and regulate the right to FPIC in consistency with relevant international law?	
Indicators	Explanation (identify articles/provisions)
PLRs recognise the right to FPIC in consistency with international law (if applicable)	Regarding free, prior and informed consent and consultation, Brazil has provisions that support these instruments: the Federal Constitution, Art. 231; Decree 5,051/2004 promulgating ILO Convention 169, Decree # 6,040/2007, Act 13,133/15 and Decree # 8,772/16, the last two specific for access to traditional knowledge associated with biodiversity. The Amazon Fund's guidelines establish that: (1) projects shall include consent from all partners and co-executors; and (2) projects involving traditional communities and indigenous peoples must necessarily present a document proving the prior consent of these communities or their representative entities.
PLRs prohibit relocation of indigenous peoples without FPIC and only after just and fair compensation, with option of return where possible.	.

Safeguard E

Criteria E.1.: No Conversion of Natural Forests	
Sub-criteria E.1.1. Defining Natural Forest, Biological Diversity and Ecosystem Services	
Diagnostic Question: to what extent do PLRs define the term natural forests, biological diversity and ecosystem services?	
Indicators	Explanation (identify articles/provisions)
PLRs provide a clear definition for the term natural forests (or primary, untouched forests)	In reference to safeguard E, Brazil's Second SoI states that "This safeguard is based on the concept that values the standing forest, its multiple functions and benefits, and the livelihoods associated with it. The term "natural forest", in the context of this safeguard, is considered to encompass natural ecosystems, their structures, functions and dynamics that contribute to

	environmental and social benefits.”											
PLRs clearly distinguish between plantations and natural forests	<table border="1"> <tr> <td>Total country area</td> <td>851 million ha</td> </tr> <tr> <td>Total forest area (2015)</td> <td>493 million ha</td> </tr> <tr> <td>Natural forest area (2015)</td> <td>485 million ha</td> </tr> <tr> <td>Planted forest area (2015)</td> <td>7.7 million ha</td> </tr> <tr> <td>Public forest areas registered (2012)</td> <td>308 million ha</td> </tr> </table>	Total country area	851 million ha	Total forest area (2015)	493 million ha	Natural forest area (2015)	485 million ha	Planted forest area (2015)	7.7 million ha	Public forest areas registered (2012)	308 million ha	
Total country area	851 million ha											
Total forest area (2015)	493 million ha											
Natural forest area (2015)	485 million ha											
Planted forest area (2015)	7.7 million ha											
Public forest areas registered (2012)	308 million ha											
	Source: Brazil's Second SOI											
PLRs provide a clear definition for the term biological diversity in accordance with relevant international law (especially CBD)	Brazil approved by Legislative Decree No. 2/1994 the text of the Convention on Biological Diversity, signed at the United Nations Conference on Environment and Development held in Rio de Janeiro, which provide the definition for the term biological diversity.											
PLRs provide clearly define the term ecosystem services in accordance with relevant international law	The Law 12,651/2012 defines the activities of conservation and improvement of ecosystems that generate environmental or ecosystem services.											

Safeguard E	
Criteria E.1.: No Conversion of Natural Forests	
Sub-criteria E.1.2. Prohibiting the Conversion of Natural Forests	
Diagnostic Question: do PLRs prohibit the conversion of natural forests?	
Indicators	Explanation (identify articles/provisions)

<p>PLRs clearly prohibit the conversion of natural forests to other land-uses, or other types of forests (such as plantations)</p>	
<p>If conversion is not prohibited, PLRs set controls on conversion in both public and private forests, through environmental impact assessments and mitigation</p>	<p>In addition to the recommendations made by CBD Decision XI/19, the coherence of REDD+ and biodiversity actions will be ensured through the integration of actions of the National Biodiversity Policy, the National Biodiversity Strategy and Action Plan (NBSAP) and the guidelines from the National Commission for Biodiversity, with information provided by the Brazilian Biodiversity Information System – SiBBi, and with programs and policies whose objectives are to identify, monitor and conserve endemic, rare or endangered or of high biodiversity value species or ecosystems. Policies and programs that guarantee livelihoods associated with natural ecosystems are also included.</p> <p>The Amazon Fund supports, among others: (1) creating and consolidating the management of protected areas; (2) recovering deforestation areas; and (3) conserving and sustainably using biodiversity.</p> <p>Support to ARPA (Amazon Protected Areas Program), as well as support to actions in conservation units that encourage the balance between forest conservation and sustainable use of part of the natural resources.</p> <p>COFA established that part of the projects supported by the Amazon Fund shall benefit small properties or rural family lands (up to 4 fiscal modules), supporting sustainable production and environmental regularization, including activities to restore the forest and recover degraded areas through agroforestry systems (AFS), in which agricultural crop consortia are combined with arboreal species.</p> <p>Results of the Amazon Fund (BNDES, 2017):</p> <ul style="list-style-type: none"> – 105,000 people benefitted with sustainable productive activities. – 27,000 indigenous directly benefitted. – 63% of the Amazon Indigenous lands supported. – 106 conservation units supported. – 397,000 km² of protected areas with enhanced management (TI and UC).

	– 9,5 million ha of forest with sustainable management.
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Safeguard E		
Criteria E.2. Protection and Conservation of Natural Forests and Biodiversity		
Sub-criteria E.2.1. Identifying Natural Forests and Biodiversity		
Diagnostic Question: do PLRs promote or require the identification/mapping of natural forests and biological diversity?		
Indicators	Mark accordingly	Explanation (identify articles/provisions)/Gaps identified
PLRs require mapping of natural forests (i.e. development and updating of natural forests inventories this could be part of a broader NFI)		<p>International project to monitor the forest cover in the Amazon Basin</p> <ul style="list-style-type: none"> – Executed by the Amazon Cooperation Treaty Organization (ACTO) – BRL 24 million (US\$ 11.8 million), which enabled, among other activities, the installation of seven rooms to monitor deforestation and forest degradation in ACTO member countries and the preparation and validation by these countries of a regional map of deforestation in the Amazon, presented during COP-20 in Lima, Peru. <p>DETER-B development (launched in 2016): system based on satellite data with a resolution of 60 meters, DETER-B is able to discriminate polygons greater than 6.25 hectares (ha), mapping the occurrence of clear cutting, clear cut with vegetation, areas of mining. Additionally, it reveals the process of degradation in different intensities, burnt scars and selective logging.</p> <ul style="list-style-type: none"> – Stage 1 (2009-2012): methodological tests and technical-scientific discussions. – Stage 2 (2013): development of the initial interpretation key,

		<p>validation of data in the field, scientific paper publication bringing out the methodology and validation statistics for the DETER-B (https://doi.org/10.1109/JSTARS.2015.2437075);</p> <ul style="list-style-type: none"> – Stage 3 (2014-2015): Methodological consolidation, agreement with India for RS-2 data reception, daily deforestation alert data generation and data routing for surveillance. <p>At present, DETER-C is being developed, using a more precise resolution of satellite data (30 meters).</p> <p>Brazilian Biomes Environmental Monitoring Program (PMABB) <i>MMA Ordinance # 365/2015</i> Map and monitor deforestation, including its rate; assess vegetation cover and land use; monitor fires; and restore vegetation and selective extractivism.</p> <p>Brazilian Amazon Forest Degradation Project (DEGRAD) Map areas of degraded forest and with a tendency to be converted into clear cut logging.</p>
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<p>PLRs require mapping of biological diversity (including ecosystem services)</p>		<p>Land use and land cover mapping of Amazon Deforested Areas - TerraClass</p> <p>Map the use and coverage of deforested lands in the Brazilian Legal Amazon to understand the dynamics of use and coverage in the Brazilian Legal Amazon.</p> <p>According to TerraClass Cerrado 2013 data, which identifies the use of deforested areas until 2013, the largest class of anthropogenic use in the Cerrado is planted pasture (29.5%), followed by annual agriculture (8.5%) and perennial agriculture (3.2%), totaling approximately 41% of the biome total area.</p> <p>It is also worth noting that 54.5% of the Cerrado total area is classified as remaining natural vegetation, out of which 34% of the Cerrado total area is classified as natural non-forest vegetation and 20.5% as natural forest vegetation.</p>
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Safeguard E	
Criteria E.2. Protection and Conservation of Natural Forests and Biodiversity	
Sub-criteria E.2.2: Measures to Protect Biodiversity and Natural Forests	
Diagnostic Question: Do PLRs regulate the protection of biodiversity and natural forests?	
Indicators	Explanation (identify articles/provisions)
<p>PLRs contain provisions for the protection of natural forest areas</p>	<p>Policies to foster conservation and sustainable use:</p> <p>Green Grant (Bolsa Verde):</p> <ul style="list-style-type: none"> – Since its creation, around BRL 333 million have been invested, benefiting 76,795 families over the country. The report referring the period of October-December 2017, indicate 38,987 beneficiary families in the Legal Amazon.

	<ul style="list-style-type: none"> - The Program supported the conservation of more than 33 million hectares in Sustainable Use Conservation Units and Rural Settlements Projects, and 93% of this area are in the Legal Amazon. - Access to program information, management and monitoring reports, and consultation to beneficiaries are available on the MMA website MMA (http://www.mma.gov.br/desenvolvimento-rural/bolsa-verde).
<p>PLRs contains provisions for the protection of biodiversity (BD strategy, creation of protected areas etc.)</p>	<p>Implementation of Conservation Units (CUs):</p> <ul style="list-style-type: none"> • Amazon Protected Areas Program (ARPA): supports the implementation of 114 UC. • The Federal Court of Audit (TCU) and the nine Legal Amazon States Courts of Audit conducted an audit to assess the implementation of federal and state conservation units (UC) in the biome. They recommended enhancing the management and implementing the UC created, so those areas, in addition to protect biodiversity, are sources of social and economic development. <p>Creation of protected areas in the Amazon between 2011 and 2015:</p> <ul style="list-style-type: none"> • Integral Protection Conservation Units: 1 Conservation Units (668,160 ha) • Sustainable Use Conservation Units: 3 Conservation Units (58,531 ha) • Private Reserve of Natural Heritage (RPPN): 3 Reserves at federal administrative sphere (4,302 ha) • Indigenous Lands: 18 homologated TI
<p>PLRs contain provisions for the protection of endangered species</p>	<p>In addition to the recommendations made by CBD Decision XI/19, the coherence of REDD+ and biodiversity actions will be ensured through the integration of actions of the National Biodiversity Policy, the National Biodiversity Strategy and Action Plan (NBSAP) and the guidelines from the National Commission for Biodiversity, with information provided by the Brazilian Biodiversity Information System – SiBBr, and with programs and policies whose objectives are to identify, monitor and conserve endemic, rare or endangered or of high biodiversity value species or ecosystems. Policies and programs that guarantee livelihoods</p>

	associated with natural ecosystems are also included.
PLRs regulate/control the market and trade of endangered species	In addition to the recommendations made by CBD Decision XI/19, the coherence of REDD+ and biodiversity actions will be ensured through the integration of actions of the National Biodiversity Policy , the National Biodiversity Strategy and Action Plan (NBSAP) and the guidelines from the National Commission for Biodiversity, with information provided by the Brazilian Biodiversity Information System – SiBBi , and with programs and policies whose objectives are to identify, monitor and conserve endemic, rare or endangered or of high biodiversity value species or ecosystems . Policies and programs that guarantee livelihoods associated with natural ecosystems are also included.
PLRs contain clear regulations regarding the planting of invasive species	<p>Legislation Relating to IAS (Invasive Alien Species)</p> <ul style="list-style-type: none"> • PORTARIA IAP nº095, DE 22 DE MAIO DE 2007: First state law recognizing invasive species (a list of which is published in the Annexes) as well as recognizing the criminality of their introduction and the necessity to prevent their introduction or, if necessary, eliminate them. • Decree No. 5,758: Instituting the National Strategic Plan of Protecting Areas, PNAP 13 April, 2006: declares strategy to “identify productive activities that use invading exotic species and prescribe them as part of the writs of prevention to the invasion in natural environment of units of conservation” as well as the intention to conduct education campaigns on the negative consequences of IAS. • Normative instruction No. 3 May 5, 2007: outlines the conditions under which a species may be considered exotic and be eradicated, as well as reiterating the illegality of introducing IAS in the natural environment. • Decree No. 4339 “Establishing principles and guidelines for implementing National Biodiversity” 22 August, 2002: sets out to map the present locations as well as origins of invasive species; promote research aimed at tackling IAS; support efforts by the official organs for sanitary/phytosanitary control, pest control, and health in tackling IAS through prevention, control, and/or eradication of IAS. • Order No. 108 (October 1994) regulating exotic wildlife breeding centres with scientific purposes.

	<ul style="list-style-type: none"> • Order No. 122-P (March, 1985) regulating collect, transport and placing on the market of ornamental and medicinal plants. • Order No. 28-N (July 1991) regulating forest exotic plants export. • Order No. 83-N (September 1991) regulating <i>Lentiscus</i> exploitation. • Order No. 29 (March 1994) regulating import-export of Brazilian and exotic wildlife. • Decree No. 77878 (11 October 2007): This Decree, composed of five articles, institutes the national Forest of Negreiros, in Serrita Municipality, Pernambuco State. The conservation of such Forest, which is comprised within an area of 3.000,04 ha, aims at promoting a multiple sustainable use of forest resources and at protecting local species also with the view of protecting water resources and biodiversity. The decree defines the geographical coordinates of the protected forest and stipulates that it shall be administered by the Institute for Biodiversity Conservation "Chico Mendes". • Decree No. 4.771 (15 September 1965): section V pertains to activities for the protection of the integrity of native vegetation, such as: prevention, fire combat and control, erosion control, eradication of invaders and protection of native species, under Incluído pela Medida Provisória nº 2.166-67, de 2001 • Law No. 11.516 on the institution of the Institute for Biodiversity Conservation "Chico Mendes": This Law, composed of 16 articles, creates the Institute for Biodiversity Conservation "Chico Mendes". The Institute aims at implementing national policies in the field of nature conservation and sustainable development with specific regards to management, protection, control and monitoring activities carried out at federal level. The Law defines its mission, main objectives, as well as the internal structure.
<p>PLRs define clear penalties for non-compliance with the above measures</p>	<p>--PORTARIA IAP nº095, DE 22 DE MAIO DE 2007: First state law recognizing invasive species (a list of which is published in the Annexes) as well as recognizing the criminality of their introduction and the necessity to prevent their introduction or, if necessary, eliminate them.</p> <p>--Normative instruction No. 3 May 5, 2007: outlines the conditions under which a species may be considered exotic and be eradicated, as well as reiterating the illegality of introducing IAS in the natural environment.</p>
<p>PLRs promote sound environmental</p>	<p>Established by State Law # 2,308/2010, the State System of Incentives for Environmental</p>

<p>management and sustainable use of public/private forests (preparation of management plans, guidelines, process)</p>	<p>Services of Acre (SISA/AC) gathers a set of strategies and instruments that benefit those who produce with sustainability and conserve the environment. With that purpose, SISA/AC comprises seven different programs of incentives to environmental services, which, together, collaborate to reduce deforestation rates and forest fires in Acre, forest conservation and sustainable management – paving the way for environmental and social advantages that benefit the state population, especially those who live in the forest. They are: Carbon (the first to be executed), Conservation of Natural Scenic Beauty; Conservation of Sociobiodiversity; Conservation of Water and Water Services; Climate Regulation; Traditional Ecosystem Knowledge and Cultural Valuation; Soil Conservation and Enhancement.</p>
<p>PLRs regulate industry-specific sustainable resource production/management practices applied, including credible certification systems where appropriate PLRs regulate sustainable practices supported for small-scale producers</p>	<p>SISA governance arrangement encompasses the State Commission to Validate and Monitor SISA (CEVA), created in 2011, to ensure social participation in environmental services incentive policy. CEVA is formed by representatives of eight institutions, out of which four are from public agencies and four from the organized civil society. It is responsible for monitoring SISA and the ISA Carbon Program (Programa ISA Carbono), assessing propositions of norms presented by IMC (Institute of Climate Change and Environmental Service Regulation, http://imc.ac.gov.br), and ensuring transparency and social control of SISA components. SISA governance also includes the Indigenous Interinstitutional Working Group (GTI), whose purpose is to be a channel for discussions held among SISA members, the indigenous communities and the Women Working Group, aiming to strengthen social inclusion and the participation of women in the implementation of the system and the programs.</p>
<p>PLRs require the monitoring and evaluation management forests (M&E of implementation of management plans)</p>	<p><i>ISA CARBON PROGRAM</i> The main incentives related to the program include: promote change to more productive agricultural systems, which minimizes the need for expansion and avoids deforestation; value the forest economic potential; increase forest conservation and distribute benefits per environmental services. All ISA Carbon actions are carried out with financial resources from the German Cooperation, through the REDD Early Movers (REM) Program. The resources from this program seek to encourage economic and social benefits for local populations, in addition to reduce deforestation. At least 70% of the resources are directly invested in local communities through benefit-sharing programs, which support indigenous peoples, extractivist populations and farmers.</p>

	<p>During the implementation of the ISA Carbon program, the State of Acre sought to evaluate the possible socio-environmental impacts related to the program. In this regard, it adopted and adapted a set of international safeguards (the International Initiative REDD+ Social and Environmental Standards - REDD+SES) according to its local reality. CEVA is the instance in charge of monitoring the safeguards. From October 2010 to March 2013, the process of building SISA and ISA Carbon safeguards indicators took place, and an indicator monitoring plan was validated. In 2013, the State of Acre published the Manual for Monitoring REDD+ Safeguards in SISA, and, in 2015, it published the first self-assessment of compliance with socio-environmental safeguards.</p> <p>The establishment of decentralized fundraising process by CONAREDD+ and the approval of eligibility of Acre state allowed the acknowledgment of the partnership between the German government and the state of Acre in the scope of ENREDD+. Representatives from Acre participate in all CCTs and CONAREDD+ and have shared the lessons learned under the ISA Carbon Program.</p>
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Safeguard E		
Criteria E.2. Protection and Conservation of Natural Forests and Biodiversity Sub-criteria E.2.3: Supporting Conservation Research and Awareness-Raising		
Diagnostic Question: do PLRs support/promote conservation research and awareness raising over forest and biological diversity protection?		
Indicators	Mark accordingly	Explanation (identify articles/provisions)/Gaps identified
PLRs promote conservation research for science-based biodiversity conservation		The 'Indicar Estados' Platform was developed by the Institute for Environmental Research in the Amazon (IPAM) and is the first initiative to systematically monitor the impacts of state policies to prevent and control deforestation. Its goal is to support the organization, dissemination, transparency and analysis of data on public policies to prevent and control deforestation, through general and specific indicators, applied to the states of Acre, Amazonas, Mato Grosso and Para.

		<p>IDB Projects:</p> <p>National Forest Inventory: Together with the Ministry of Science, Technology and Innovation and the Ministry of Agriculture, Livestock and Supply, implementation of a National Forest Inventory and consolidation of the National Forestry Information System will generate effective instruments of public policy. Good quality and updated data of the Cerrado Biome will be key to support the climate change policies and GHG emissions reductions committed to by Brazil, filling the information gap about this Biome and <u>promoting the definition of effective policies</u> for central Brazil.</p>
<p>PLRs promote the implementation of programmes that aim to improve public knowledge of the value of biodiversity</p>		<p>IDB Project:</p> <p>“Inhotim: Global Change,” support for the <u>Instituto Inhotim</u>, located in the state of Minas Gerais, in a transition zone between the Atlantic Forest and the Cerrado. Raises awareness on issues related to climate change, biodiversity and adaptation.</p> <p>Raising public awareness of both the importance of the Cerrado and the possible effects of climate change, the <u>Inhotim</u> project seeks to build upon the institute’s innovative programs as sustainable development models that include biodiversity adaptation and mitigation of greenhouse gas emissions, and bringing together the public and private sectors.</p>

Safeguard E

Criteria E.2. Protection and Conservation of Natural Forests and Biodiversity	
Sub-criteria E.2.4: Integration of Biodiversity in Cross-Sectoral Policies	
Diagnostic Question: Do PLRs require/promote the integration of biodiversity consideration in cross-sectoral policies?	
Indicators	Explanation (identify articles/provisions)
PLRs require the consideration and measuring of the possible impacts of forest and land use policies on biodiversity	In addition to the recommendations made by CBD Decision XI/19, the coherence of REDD+ and biodiversity actions will be ensured through the integration of actions of the National Biodiversity Policy , the National Biodiversity Strategy and Action Plan (NBSAP) and the guidelines from the National Commission for Biodiversity, with information provided by the Brazilian Biodiversity Information System – SiBBr , and with programs and policies whose objectives are to identify, monitor and conserve endemic, rare or endangered or of high biodiversity value species or ecosystems. Policies and programs that guarantee livelihoods associated with natural ecosystems are also included.
PLRs provide clear guidance on how to assess trade-offs between development (livelihoods, infrastructure, food production) and biodiversity (including modification/cancellation of the policy if potential impacts are too high)	Analyses of synergies and conflicts between REDD+ actions and programs and impacts on biodiversity and socio-environmental rights shall be part of the Brazilian REDD+ Safeguards Information System. REDD+ actions shall be directed toward strengthening social and environmental co-benefits, interacting and leveraging positive impacts of public policies that foster: i) sustainable use and management of natural and genetic resources, ii) valuation of sociobiodiversity ¹³ and its products; and iii) building and structuring of productive chains and arrangements of sociobiodiversity, agrobiodiversity and agroecology, guided by values of cooperation, solidarity and ethics.

¹³ Sociobiodiversity is the result of the interrelationship between biological diversity and sociocultural systems diversity (MDA, 2009), being the result of cultural practices and reciprocal influences between the environment and culture (Albagli, 1998). From this interrelationship, products and services are originated, associated to the knowledge and management of species by indigenous peoples, traditional peoples and communities and family farmers (MDA, 2009).

	<ul style="list-style-type: none"> • The Amazon Fund supports, among others: (1) creating and consolidating the management of protected areas; (2) recovering deforestation areas; and (3) conserving and sustainably using biodiversity. • Support to ARPA (Amazon Protected Areas Program), as well as support to actions in conservation units that encourage the balance between forest conservation and sustainable use of part of the natural resources. • COFA established that part of the projects supported by the Amazon Fund shall benefit small properties or rural family lands (up to 4 fiscal modules), supporting sustainable production and environmental regularization, including activities to restore the forest and recover degraded areas through agroforestry systems (AFS), in which agricultural crop consortia are combined with arboreal species. • Results of the Amazon Fund (BNDES, 2017): <ul style="list-style-type: none"> – 105,000 people benefitted with sustainable productive activities. – 27,000 indigenous directly benefitted. – 63% of the Amazon Indigenous lands supported. – 106 conservation units supported. – 397,000 km² of protected areas with enhanced management (TI and UC). – 9,5 million ha of forest with sustainable management.
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Safeguard E	
Criteria E.2. Protection and Conservation of Natural Forests and Biodiversity	
Sub-criteria E.2.5: Enhancement of Other (non-carbon) Benefits	
Diagnostic Question: do PLRs promote the enhancement of multiple benefits?	
Indicators	Explanation (identify articles/provisions)
PLRs seek to maintain and increase the ecological, biological, climatic, socio-cultural,	STATE SYSTEM OF INCENTIVES FOR ENVIRONMENTAL SERVICES OF ACRE (SISA/AC)

and economic contributions of forest resources	<p>Established by State Law # 2,308/2010, the State System of Incentives for Environmental Services of Acre (SISA/AC) gathers a set of strategies and instruments that benefit those who produce with sustainability and conserve the environment. With that purpose, SISA/AC comprises seven different programs of incentives to environmental services, which, together, collaborate to reduce deforestation rates and forest fires in Acre, forest conservation and sustainable management – paving the way for environmental and social advantages that benefit the state population, especially those who live in the forest. They are: Carbon (the first to be executed), Conservation of Natural Scenic Beauty; Conservation of Sociobiodiversity; Conservation of Water and Water Services; Climate Regulation; Traditional Ecosystem Knowledge and Cultural Valuation; Soil Conservation and Enhancement.</p> <p>SISA governance arrangement encompasses the State Commission to Validate and Monitor SISA (CEVA), created in 2011, to ensure social participation in environmental services incentive policy. CEVA is formed by representatives of eight institutions, out of which four are from public agencies and four from the organized civil society. It is responsible for monitoring SISA and the ISA Carbon Program (Programa ISA Carbono), assessing propositions of norms presented by IMC, and ensuring transparency and social control of SISA components. SISA governance also includes the Indigenous Interinstitutional Working Group (GTI), whose purpose is to be a channel for discussions held among SISA members, the indigenous communities and the Women Working Group, aiming to strengthen social inclusion and the participation of women in the implementation of the system and the programs.</p>
PLRs regulate access to, and fair and equitable sharing of benefits derived from forest biological resources (non-timber forest products)	<p>Access and Distribution of Biodiversity Benefits Act (Law #13,123/2015): approved in 2015, it determines guidelines on genetic heritage, traditional knowledge associated with that heritage, distribution of benefits, etc.</p>
PLRs promote the development of alternative livelihood in forests (eco-tourism, agroforestry)	<ul style="list-style-type: none"> • Policy to Guarantee Minimum Prices for Sociobiodiversity Products (PGPM-Bio)¹⁴: <ul style="list-style-type: none"> – Since it was created (2009), the policy has already paid over BRL 28 million in

¹⁴ More information about PGPM-Bio can be found at the link: <https://www.conab.gov.br/precos-minimos/pgpm-bio>

	<p>grants to producers throughout the country.</p> <ul style="list-style-type: none"> – For 2017, extractors of forest products such as <i>açaí</i>, <i>andiroba</i>, <i>babaçu</i>, <i>baru</i>, natural rubber, cocoa, <i>carnauba</i>, Brazil nut, <i>juçara</i>, <i>macaúba</i>, <i>mangaba</i> and <i>pequi</i> can access the amount of BRL 8 million in economic subsidies. <ul style="list-style-type: none"> • National Policy on Agroecology and Organic Production (Pnapo)¹⁵ and National Plan on Agroecology and Organic Production (Planapo)¹⁶ <ul style="list-style-type: none"> – They mobilize different ministries, sector units and governmental entities around programs and actions that lead to the agroecological transition and to organic and agroecological production. – Planapo (2013 – 2015): BRL 2.9 billion for a wide range of public actions – Planapo (2016 – 2019): Continuity and improvement of the first cycle. 194 initiatives, distributed in 30 goals and organized from six strategic pillars: Production; Use and Conservation of Natural Resources; Knowledge; Trade and Consumption; Land and Territory and Sociobiodiversity.
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Safeguard F & G	
Criteria F&G.1: Monitoring and Assessment	
Diagnostic Question: to what extent do PLRs require regular monitoring and measurement of risks to forest permanence	
Indicators	Explanation (identify articles/provisions)
PLR s require the development of detailed land use and forest inventories (forest cover, forest cover change), monitoring of land-use and land-	<p>National Forest Inventory Carry out a systematic survey about Brazilian forest resources.</p>

¹⁵ More information about Pnapo can be found at the link: <http://www.agroecologia.gov.br/politica>

¹⁶ More information about Planapo can be found at the link: <http://www.mda.gov.br/planapo/>

use change (including monitoring system)	<p>Land use and land cover mapping of Amazon Deforested Areas - TerraClass</p> <p>Map the use and coverage of deforested lands in the Brazilian Legal Amazon to understand the dynamics of use and coverage in the Brazilian Legal Amazon.</p>
PLRs require monitoring of entire forest product supply chain	<p>National Plan for the Promotion of Sociobiodiversity Product Chains</p> <p>Promote the conservation, management and sustainable use of sociobiodiversity products; strengthen productive chains in each of the biomes by adding value to sociobiodiversity products; strengthen the social and productive organization of indigenous peoples, quilombola populations, traditional communities, and family farmers; expand, strengthen and mobilize economic instruments necessary for the structuring of productive chains.</p>
PLRs provide law enforcement bodies with adequate mandates, resources and expertise to conduct routine monitoring	<p>Planning and designing of PPCDAm fourth phase (2016-2020¹⁷): transparency and social participation, focusing at improving governance and action monitoring:</p> <ul style="list-style-type: none"> – Regular meetings. – Representatives from the Legal Amazon Secretaries of the Environment Forum. – State representatives from specific existing technical chambers: 1. Law enforcement and 2. Sustainable forest management. – Monitoring of result indicators, which will support the Matrix of Public Policy Impact established in ENREDD+. <p>The average deforestation rate in the 3rd PPCDAM phase (2012-2015) is 5,420 Km². The four lowest deforestation rates in history were observed in the 3rd PPCDAM phase (2012, 2013, 2014 and 2015).</p> <ul style="list-style-type: none"> – The Environmental Control and Monitoring pillar was the main responsible for the marked reduction observed in the first phases of the Plan. Assunção et al (2017) have evaluated the effects of the monitoring and law enforcement between 2007 and 2011. The results show that monitoring and enforcement efforts avoided an average of 22,000 km² of deforestation per year between 2007 and 2011. Evidence suggests that policy is financially cost-effective (considering a conservative calculation of costs and benefits) and productive (there is no evidence that the reduction in deforestation caused current losses in formal

¹⁷ The PPCDAm fourth phase can be accessed at the link: http://combateadesmatamento.mma.gov.br/images/conteudo/Planos_ultima_fase.pdf

	agricultural production).
PLRs require regular monitoring and reporting on social and environmental impacts of forest programmes	National Inventory of Greenhouse Gas Emissions Regularly update emission estimates from a range of sectors, including land use change and forestry, and assess the evolution of the GHG emission profile, supporting the monitoring of compliance with the Brazilian commitment to reduce emissions.

Safeguard F & G	
Criteria F&G.2: Measures to Tackle Reversals and Displacement	
Diagnostic Question: to what extent do PLRs aim to minimise the risks related to deforestation and forest degradation?	
Indicators	Explanation (identify articles/provisions)
PLRs promote sustainable utilisation and conservation of forests and other relevant resources	<p>National Policy on Agroecology and Organic Production (PNAPO) <u>Decree # 7,794/2012</u> Integrate, mobilize and adapt policies, programs and actions that lead to the agroecological transition and organic and agroecological production, contributing to the sustainable development and quality of life of the population, through the sustainable use of natural resources and the supply and consumption of healthy food.</p> <p>National Plan for the Promotion of Sociobiodiversity Product Chains Promote the conservation, management and sustainable use of sociobiodiversity products; strengthen productive chains in each of the biomes by adding value to sociobiodiversity products; strengthen the social and productive organization of indigenous peoples, quilombola populations, traditional communities, and family farmers; expand, strengthen and mobilize economic instruments necessary for the structuring of productive chains.</p> <ul style="list-style-type: none"> • Decree # 8,773/2016: change in the priority area of support of the Amazon Biome Fund to the Legal Amazon <ul style="list-style-type: none"> – Expansion of about 20% in the main area of the Amazon Fund support. – Scope of the Fund more coherent with PPCDAm implementation. – It has incorporated a large portion of the deforestation boundary between the Amazon and the Cerrado and Pantanal biomes. – Special progress in state government initiatives in the Legal Amazon containing other biomes in the territory, as now there is a chance for a programmatic action throughout all its extension using resources from the Fund.

	<ul style="list-style-type: none"> • International project to monitor the forest cover in the Amazon Basin <ul style="list-style-type: none"> – Executed by the Amazon Cooperation Treaty Organization (ACTO) – BRL 24 million (US\$ 11.8 million), which enabled, among other activities, the installation of seven rooms to monitor deforestation and forest degradation in ACTO member countries and the preparation and validation by these countries of a regional map of deforestation in the Amazon, presented during COP-20 in Lima, Peru. • Support for the development of methodology to PRODES and DETER systems for Cerrado.
<p>PLRs require adverse impacts (direct and indirect) to natural resources, biodiversity, ecosystem services are identified, assessed, mitigated and managed</p>	<ul style="list-style-type: none"> • Rural Environmental Registry (CAR) <ul style="list-style-type: none"> – A national electronic public registry, mandatory for all rural properties, with the purpose of integrating the environmental information of the rural properties related to Areas of Permanent Preservation - APP, restricted use, Legal Reserve, forest remnants, and other forms of native vegetation, and consolidated areas, making up a database for control, monitoring, environmental and economic planning, and combating deforestation. <p>4.2 million rural properties, involving a total area of 411,001,629 hectares inserted in the system database until July 2017 (SFB, 2017)¹⁸.</p> • The Amazon Fund is authorized to allocate up to 20% of its resources to support projects to develop deforestation monitoring and control systems in other Brazilian regions and in other tropical countries. • Support to implement the rural environmental registry (CAR) throughout the Brazilian territory. <ul style="list-style-type: none"> – 14 projects with this purpose distributed among non-governmental organizations (BRL 22 million), municipalities (BRL 1 million), Legal Amazon states (BRL 135 million) and states outside the Legal Amazon (BRL 79 million), totalling BRL 237 million for the CAR.

¹⁸ More information on progress of CAR can be found at the link: <http://car.gov.br/#/>

	<ul style="list-style-type: none"> – Registration of 281,031 properties in CAR nationally. • Brazilian Biomes Environmental Monitoring Program (PMABB)¹⁹ <ul style="list-style-type: none"> – It aims to mobilize and offer greater coherence to ongoing monitoring efforts in the country, in addition to extending the monitoring of vegetation cover to all Brazilian biomes. – Production of a series of consistent data about deforestation in the Cerrado biome, enabling to establish a forest reference emission level in the biome (FREL Cerrado). • ENREDD+: a look throughout the entire territory <ul style="list-style-type: none"> – Submission of FREL Cerrado in January 2017²⁰. – ENREDD+ Thematic Advisory Boards propose to promote the integration of institutions from other biomes; i.e.; CCT Federative Relations, which targets state and municipal governments, has representatives from all Brazilian biomes (21 states out of the 27 in the country).
<p>PLRs implement effective law enforcement to combat and eradicate illegal forest-related practices</p>	<p>Planning and designing of PPCDAm fourth phase (2016-2020²¹): transparency and social participation, focusing at improving governance and action monitoring:</p> <ul style="list-style-type: none"> – Regular meetings. – Representatives from the Legal Amazon Secretaries of the Environment Forum. – State representatives from specific existing technical chambers: 1. Law enforcement and 2. Sustainable forest management. – Monitoring of result indicators, which will support the Matrix of Public Policy Impact established in ENREDD+.

¹⁹ Access the Strategy of the Environmental Monitoring Program for Brazilian Biomes at the link:

http://www.mma.gov.br/images/arquivos/gestao_territorial/pmabb/Strategy_environmental_monitoring_program_PMABB.pdf

²⁰ Access the FREL Cerrado Submission at the link: http://redd.mma.gov.br/images/central-de-midia/pdf/submissoes/BRAZIL_frel-cerrado-EN-20160106-final.pdf

²¹ The PPCDAm fourth phase can be accessed at the link: http://combateadesmatamento.mma.gov.br/images/conteudo/Planos_ultima_fase.pdf

	<p>The average deforestation rate in the 3rd PPCDAM phase (2012-2015) is 5,420 Km². The four lowest deforestation rates in history were observed in the 3rd PPCDAm phase (2012, 2013, 2014 and 2015).</p> <ul style="list-style-type: none"> – The Environmental Control and Monitoring pillar was the main responsible for the marked reduction observed in the first phases of the Plan. Assunção et al (2017) have evaluated the effects of the monitoring and law enforcement between 2007 and 2011. The results show that monitoring and enforcement efforts avoided an average of 22,000 km² of deforestation per year between 2007 and 2011. Evidence suggests that policy is financially cost-effective (considering a conservative calculation of costs and benefits) and productive (there is no evidence that the reduction in deforestation caused current losses in formal agricultural production).
<p>PLRs seek to detect and reduce forest fires and other disturbances</p>	<p>Action Plan for the Prevention and Control of Deforestation and Fires in the Cerrado (PPCerrado)</p> <ul style="list-style-type: none"> – Reduce deforestation, with a target set for 2020. – 3 phases of execution: 2010-2011; 2014-2015, and 2016-2020 – Joint coordination with PPCDAm, ensuring a more systemic view of the territory. – Reference for the application of international resources and for the identification of priorities in national environmental policies. – Negotiation of the Soybean Working Group to establish a sector agreement to control deforestation in the Cerrado biome. <p>Burn and Fire Monitoring Program Monitor fires and wildfires detected by satellites, calculate and predict the risk of burning the vegetation.</p> <p>Brazilian Biomes Environmental Monitoring Program (PMABB) <i>MMA Ordinance # 365/2015</i> Map and monitor deforestation, including its rate; assess vegetation cover and land use; monitor</p>

<p>PLRs promote alternative livelihoods and income diversification from forest management</p>	<p>fires; and restore vegetation and selective extractivism.</p> <p>National Policy on Agroecology and Organic Production (PNAPO) <u>Decree # 7,794/2012</u> Integrate, mobilize and adapt policies, programs and actions that lead to the agroecological transition and organic and agroecological production, contributing to the sustainable development and quality of life of the population, through the sustainable use of natural resources and the supply and consumption of healthy food.</p> <p>National Plan for the Promotion of Sociobiodiversity Product Chains Promote the conservation, management and sustainable use of sociobiodiversity products; strengthen productive chains in each of the biomes by adding value to sociobiodiversity products; strengthen the social and productive organization of indigenous peoples, quilombola populations, traditional communities, and family farmers; expand, strengthen and mobilize economic instruments necessary for the structuring of productive chains.</p>
<p>PLRs seek to avoid, minimize and mitigate risks posed to human health and the environment from pollutants, wastes, and hazardous materials</p>	<p>National Environment Policy</p> <p>In <u>Brazil</u>, the National Environmental Policy, established by <u>Federal Law No. 6.938</u>, dated August 31, 1981, and regulated by <u>Federal Decree No. 99,274</u> of June 6, 1990, has as its objective the preservation, improvement and recovery of quality in order to ensure, in the country, the conditions for socioeconomic development, the interests of national security and the protection of the dignity of human life, in accordance with the following principles:</p> <ul style="list-style-type: none"> I - governmental action in maintaining the ecological balance, considering the environment as a public patrimony to be necessarily assured and protected, in view of the collective use; II - rationalization of the use of soil, subsoil, water and air; III - planning and inspection of the use of environmental resources; IV - protection of ecosystems, with the preservation of representative areas; V - control and zoning of activities potentially or effectively polluting; VI - incentives for the study and research of technologies oriented towards the rational use and protection of environmental resources; VII - monitoring the state of environmental quality;

	<p>VIII - recovery of degraded areas (Regulation given by <u>Federal Decree 97.632 / 89</u>); IX - protection of areas threatened with degradation; X - environmental education at all levels of education, including community education, aiming to enable it to actively participate in the defense of the environment.</p> <p>The National Environmental Policy instituted the <u>National Environmental System - SISNAMA</u> , constituted by the organs and entities of the Union, States, Federal District, Territories and Municipalities, as well as the foundations established by the Government, responsible for the protection and improvement of environmental quality.</p> <p>Among the instruments of the National Environmental Policy are:</p> <p>I - the establishment of environmental quality standards; II - the environmental zoning (Regulation given by <u>Federal Decree No. 4.297</u>, of July 10, 2002); III - the evaluation of environmental impacts; IV - the licensing and review of activities that are effective or potentially polluting.</p>
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APPENDIX A:

UNFCCC:

National REDD+ Strategy (ENREDD+ - Estratégia Nacional para REDD+) Decree # 8,576/2015 and MMA Ordinance # 370/2015

- Contribute to climate change mitigation by eliminating illegal deforestation, conserving and recovering forest ecosystems, and developing a sustainable low-carbon forest economics, generating economic, social and environmental benefits. National Inventory of Greenhouse Gas Emissions Regularly update emission estimates from a range of sectors, including land use change and forestry, and assess the evolution of the GHG emission profile, supporting the monitoring of compliance with the Brazilian commitment to reduce emissions.

National Policy on Climate Change (Política Nacional sobre Mudança do Clima) Law # 12,187/2010

- Reduce greenhouse gas emissions by 2020. Acknowledges plans to combat deforestation as means to meet the target. Brazil's Nationally Determined Contribution to the Paris Agreement Reduce greenhouse gas emissions by 2025, by strengthening the Forest Code, fighting illegal deforestation, reforesting and restoring forests for multiple uses, sustainably managing native forests, among others.

UNCBD:

Action Plan for the Prevention and Control of Deforestation in the Legal Amazon (PPCDAm)

- Reduce deforestation, with a target set for 2020.

Action Plan for the Prevention and Control of Deforestation and Fires in the Cerrado (PPCerrado)

- Reduce deforestation, with a target set for 2020.

State Plans to Fight Deforestation (PPCDs)

- Reduce deforestation

Forest Code Law # 12,651/2012

- Arrange for the protection of vegetation in private properties (APP, LR and areas of restricted use) with the goal of preserving biodiversity, soil, water resources and the integrity of the climate system, for the well-being of current and future generations.

Monitoring Program in Continental Scale

- Monitor biodiversity in conservation units.

Amazon Deforestation Monitoring Project (PRODES)

- Satellite monitoring of clearcutting in the Legal Amazon.

Near Real-Time Deforestation Detection System (DETER)

- Carry out a quick survey of evidence alerts on changes in the Amazon forest cover.

Brazilian Amazon Forest Degradation Project (DEGRAD)

- Map areas of degraded forest and with a tendency to be converted into clear cut logging.

Land use and land cover mapping of Amazon Deforested Areas -TerraClass

- Map the use and coverage of deforested lands in the Brazilian Legal Amazon to understand the dynamics of use and coverage in the Brazilian Legal Amazon.

Brazilian Biomes Environmental Monitoring Program (PMABB) MMA Ordinance # 365/2015

- Map and monitor deforestation, including its rate; assess vegetation cover and land use; monitor fires; and restore vegetation and selective extractivism.

Selective Logging Monitoring System (Detex)

- Monitor logging in public forest lands under concession.

National Forest Inventory

- Carry out a systematic survey about Brazilian forest resources.

Forest Code Law # 12,651/2012

- Arrange for the protection of vegetation in private properties (APP, LR and areas of restricted use) with the goal of preserving biodiversity, soil, water resources and the integrity of the climate system, for the well-being of current and future generations.

Rural Environmental Registry (CAR) Law # 12,651/2012

- Integrate the environmental information of rural properties related to Areas of Permanent Preservation - APP, Legal Reserves, forests and native forest remnants, areas of restricted use and consolidated areas, making up a database for control, monitoring, environmental and economic planning, and combating deforestation.

National System of Conservation Units (SNUC) Law # 9,985/2000

- Contribute to preserve and restore the diversity in natural ecosystems, especially in Sustainable Development Units.

Amazon Protected Areas Program (ARPA) Decree # 8,505/2015

- Expand and strengthen the National System of Conservation Units (SNUC) in the Amazon, protect 60 million hectares, secure financial resources for the management of these areas in the short- and long-terms and promote sustainable development in that region.

National Forest Program (PNF) Decree # 3,420/2000

- Promote sustainable development, balancing use with conservation of the Brazilian forests.

National Biodiversity Policy Decree # 4,339/2002

- Promote, in an integrated manner, the conservation of biodiversity and the sustainable use of its components, with the fair and equitable sharing of benefits derived from the use of genetic resources, components of genetic heritage and traditional knowledge associated with these resources.

The Amazon Fund Decree # 6,527/2008

- Fundraise non-reimbursable investments in actions to prevent, monitor and combat deforestation, and to promote the conservation and sustainable use of the Legal Amazon.

National Policy for Native Vegetation Recovery Decree # 8,972/2017

- Recover forests and other forms of native vegetation. Boost environmental regularization in Brazilian rural properties, according to Act 12,651, as of May 25th, 2012, in a total area of at least 12 million hectares, by December 31st, 2030. A relevant policy for NDC, since it fosters the recovery of forests and other forms of native vegetation.

Biodiversity Law Law # 13,123/2015

- Establish rules to access genetic heritage, access the corresponding traditional knowledge, and share benefits. It sets the national definition of associated traditional knowledge, incorporating indigenous peoples, traditional communities and traditional farmers; also, the terms for access with the definition of parameters for prior and informed consent, and the fair and equitable sharing of benefits. Fundamental policy to protect and promote the rights and traditional knowledge of these people that must be supported by the National REDD+ Strategy.

Information System on the Brazilian Biodiversity (SiBBr)

- Integrate data and information on the Brazilian biodiversity to support: i) scientific production, ii) public policy formulation and decision making processes. SiBBr supports actions of environmental conservation and sustainable use of natural resources.

RAMSAR:

Brazil currently has 25 sites designated as Wetlands of International Importance (Ramsar Sites), with a surface area of 24,646,410 hectares.

FAO ITPGRFA:

Biodiversity Law, Law # 13,123/2015

- Establish rules to access genetic heritage, access the corresponding traditional knowledge, and share benefits. It sets the national definition of associated traditional knowledge, incorporating indigenous peoples, traditional communities and traditional farmers; also, the terms for access with the definition of parameters for prior and informed consent, and the fair and equitable sharing of benefits. Fundamental policy to protect and promote the rights and traditional knowledge of these people that must be supported by the National REDD+ Strategy.

ILO C169:

National Community and Family Forest Management Program Decree # 6,874/2009

- Organize actions to foster sustainable management in forests that are used by family farmers, land reform settlers, and traditional peoples and communities.

National Policy for Territorial and Environmental Management of Indigenous Lands Decree # 7,747/2012

- Guarantee and promote protection, recovery, conservation and sustainable use of the natural resources found in indigenous lands and territories, ensuring the integrity of the indigenous heritage, improvement of their quality of life and full conditions of physical and cultural reproduction of current and future generations of indigenous peoples, respecting their sociocultural autonomy.

Biodiversity Law Law # 13,123/2015

- Establish rules to access genetic heritage, access the corresponding traditional knowledge, and share benefits. It sets the national definition of associated traditional knowledge, incorporating indigenous peoples, traditional communities and traditional farmers; also, the terms for access with the definition of parameters for prior and informed consent, and the fair and equitable sharing of benefits. Fundamental policy to protect and promote the rights and traditional knowledge of these people that must be supported by the National REDD+ Strategy.

National Plan for the Promotion of Sociobiodiversity Product Chains

- Promote the conservation, management and sustainable use of sociobiodiversity products; strengthen productive chains in each of the biomes by adding value to sociobiodiversity products; strengthen the social and productive organization of indigenous peoples, quilombola populations, traditional communities, and family farmers; expand, strengthen and mobilize economic instruments necessary for the structuring of productive chains.

National School Nutrition Program (PNAE)

- Stimulate the purchase of food directly from family farmers, giving priority to land reform settlers, indigenous peoples and traditional peoples and communities, favoring the ways of life associated with forests and natural ecosystems.

National Policy on Agroecology and Organic Production (PNAPO), Decree # 7,794/2012

- Integrate, mobilize and adapt policies, programs and actions that lead to the agroecological transition and organic and agroecological production, contributing to the sustainable development and quality of life of the population, through the sustainable use of natural resources and the supply and consumption of healthy food.

Food Acquisition Program (PAA)

- Encourage family farming through sustainable production, production processing and income generation; promote and value biodiversity and the organic and agroecological production of food; promote access to quality food from the perspective of the human right to adequate and healthy food; strengthen local and regional circuits and trade networks, stocks, and food supply through government procurement; stimulate cooperatives and associations.

UNDRIP:

National Policy for Territorial and Environmental Management of Indigenous Lands Decree # 7,747/2012

- Guarantee and promote protection, recovery, conservation and sustainable use of the natural resources found in indigenous lands and territories, ensuring the integrity of the indigenous heritage, improvement of their quality of life and full conditions of physical and cultural reproduction of current and future generations of indigenous peoples, respecting their sociocultural autonomy.

Biodiversity Law Law # 13,123/2015

- Establish rules to access genetic heritage, access the corresponding traditional knowledge, and share benefits. It sets the national definition of associated traditional knowledge, incorporating indigenous peoples, traditional communities and traditional farmers; also, the terms for access with the definition of parameters for prior and informed consent, and the fair and equitable sharing of benefits. Fundamental policy to protect and promote the rights and traditional knowledge of these people that must be supported by the National REDD+ Strategy.

National Plan for the Promotion of Sociobiodiversity Product Chains

- Promote the conservation, management and sustainable use of sociobiodiversity products; strengthen productive chains in each of the biomes by adding value to sociobiodiversity products; strengthen the social and productive organization of indigenous peoples, quilombola populations, traditional communities, and family farmers; expand, strengthen and mobilize economic instruments necessary for the structuring of productive chains.

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- Stimulate the purchase of food directly from family farmers, giving priority to land reform settlers, indigenous peoples and traditional peoples and communities, favoring the ways of life associated with forests and natural ecosystems.