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Dialogues on Governance and Legal Certainty of REDD+

A day of dialogue on jurisdictional REDD+ in the Brazilian Amazon

STATES OF THE BRAZILIAN AMAZON



CONSÓRCIO INTERESTADUAL AMAZÔNIA LEGAL

ABRAMPA
ASSOCIAÇÃO BRASILEIRA DOS MEMBROS DO MINISTÉRIO PÚBLICO DE MEIO AMBIENTE

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Who made this dialogue happen

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BRAZILIAN ASSOCIATION OF PUBLIC PROSECUTORS FOR THE ENVIRONMENT (ABRAMPA)

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President of ABRAMPA and Prosecutor in the State of Mato Grosso do Sul

Godofredo Pires
Prosecutor of the Public Prosecutor's Office of the State of Pará

NATIONAL COUNCIL OF THE PUBLIC PROSECUTOR'S OFFICE (CNMP)

Thiago Diaz
President of the Environment Committee of the National Council of the Public Prosecutor's Office (CNMP)

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Gabriela Savian
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WHO SPOKE

Speakers

Alexandre Santos Avelino
Environmental analyst, Ministry of the Environment and Climate Change

Carlos Aragón
National Director, Governors' Climate & Forests Task Force

Gabriela Savian
Public Policy Coordinator, IPAM

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First Secretary for Sustainable Development and Forests, Embassy of Germany

Tamanna Sidika
First Secretary for Forests and Agriculture, United Kingdom

Thiago Roberto Morais Diaz
Councillor of the CNMP; President of the Environment Committee (CMA/CNMP)

Vanessa Duarte Emenergildo
Executive Secretary of the Interstate Consortium of the Brazilian Amazon

THROUGHOUT THE DAY

Programme of the day

6–7 a.m.	Invitation and words from the organisers
8 a.m.	01. Why we are here
9 a.m.	02. REDD+ is an acronym, with different rules
10 a.m.	03. Who supports, and what cannot be missing
11 a.m.	04. Credit has many lives
12 p.m.	05. Safeguards: reduction must also bring benefits
1 p.m.	06. Free, prior and informed consent: a process, not a checklist
2 p.m.	07. Benefit-sharing: where the programme reaches the territory
3 p.m.	08. The afternoon in round tables
4 p.m.	09. What the day left behind
5 p.m.	10. Ten lessons to remember
5 p.m.	11. Points that need to be discussed
6 p.m.	12. Why this agenda matters
7 p.m.	To continue the dialogue, references and credits

INVITATION · 01

We invite you to a day of dialogue on REDD+

On 22 July 2026, prosecutors, state environment secretariats, federal bodies, international organisations and specialists met in Brasília to discuss a theme still new in the country: the legal certainty of jurisdictional REDD+ programmes, those that cover an entire state.

This publication records that dialogue. It does not close any debate. It gathers what was said, explains what one needs to know to understand each point, and points to what can still be discussed between the justice system and the states.

Here, then, we have tried to relive the event in an account organised as a day of conversation. We chose this form because it is lighter and more pleasant to read than minutes: each theme occupies a chapter. The colour of the pages follows the time of day, from dawn to night, only to guide the reading. This chronology is a narrative frame. The speeches were condensed from the presentations and from the transcripts of the event, with attention to the meaning of each intervention.

Welcome to this day of conversation. May each page help bring closer those who decide, those who oversee and those who live in the territory.

BEFORE WE BEGIN

Acronyms and terms

ABRAMPA
Brazilian Association of Public Prosecutors for the Environment

ART/TREES
International standard for certifying jurisdictional REDD+ credits, with safeguards and independent verification

CAR
Rural Environmental Registry

CEVA
State Validation and Monitoring Commission (Acre)

CNMP
National Council of the Public Prosecutor's Office

CONAREDD+
National REDD+ Commission

ENREDD+
National REDD+ Strategy

FPIC
Free, prior and informed consent

FREL
Forest reference emission level

ILO
International Labour Organization

ITMO
Internationally Transferred Mitigation Outcome (Article 6 of the Paris Agreement)

MMA
Ministry of the Environment and Climate Change

MP
Public Prosecutor's Office

MRV
Monitoring, reporting and verification

NDC
Nationally Determined Contribution: the country's emission-reduction commitment under the Paris Agreement

REDD+
Reducing Emissions from Deforestation and Forest Degradation, with the role of conservation and of enhancing forest carbon stocks

REM
REDD Early Movers, a results-based payment programme in Acre and Mato Grosso

SBCE
Brazilian Emissions Trading System

SEMA
State Secretariat for the Environment (acronym used by each state)

UNDP
United Nations Development Programme



Letter from the Brazilian Association of Public Prosecutors for the Environment (ABRAMPA)

Tropical forests cover about 15% of the planet's land area and hold about 25% of the carbon in the terrestrial biosphere. However, deforestation and forest degradation have made a decisive contribution to rising global carbon emissions, making them the second largest source of global warming. In this scenario, the Amazon plays a leading role in conserving biodiversity, regulating the planet's climate and preserving the customs of the traditional peoples who live there, especially since its territory covers roughly 62% of Brazil.

The Paris Agreement officially recognised the REDD+ mechanism (Reducing Emissions from Deforestation and Forest Degradation) in its Article 5 as an important tool for protecting forests and, consequently, for combating global climate change. While we should not claim that REDD+ is, on its own, the tool capable of reducing emissions, since developed countries must not only offset their emissions but above all reduce them, we also cannot fail to recognise that valuing the forest "standing" is a significant advance in the concept of sustainable development.

The inter-institutional meeting involving the Consortium of the Brazilian Amazon States (CAL), the Brazilian Association of Public Prosecutors for the Environment (ABRAMPA) and the National Council of the Public Prosecutor's Office (CNMP) is an important contribution to fostering debate and hearing the other perspectives of the many actors involved, especially those directly affected: members of traditional peoples who have historically acted as guardians of the forest and who, therefore, should be the beneficiaries of any economic gains arising from REDD+ projects.

ABRAMPA takes part in this project in order to contribute to the debate on such a relevant theme, especially for the Amazon: to hear convergent and divergent views, not to take a final position on the REDD+ system, but to stimulate discussion and frank, open debate about the possibilities of using this tool, always in defence of an ecologically balanced environment, so that the implementation of this mechanism can help improve the quality of life of those who inhabit the Amazon, especially traditional communities such as Indigenous peoples, quilombola communities, riverside dwellers and family farmers, historically overlooked in government development projects.

Luciano Loubet
President of the Brazilian Association of Public Prosecutors for the Environment (ABRAMPA)



Message from the President of the Environment Committee of the National Council of the Public Prosecutor's Office (CNMP)

The consolidation of instruments capable of reconciling environmental protection, the response to climate change and sustainable development is one of the great contemporary challenges. In this scenario, the mechanisms for Reducing Emissions from Deforestation and Forest Degradation (REDD+) take on particular importance, especially in a country like Brazil, whose biodiversity, territorial extent and ecosystem wealth offer unique opportunities but also significant responsibilities in the global climate agenda.

Jurisdictional REDD+ programmes have considerable potential to enhance forest conservation, encourage the reduction of greenhouse gas emissions and promote sustainable development alternatives, especially in the states of the Brazilian Amazon. Their implementation, however, involves legal, regulatory, environmental, economic and social questions of great complexity, which require permanent dialogue, technical knowledge and coordination among the institutions involved.

Advancing these mechanisms requires not only efficient instruments of climate finance but also legal certainty, transparency, socio-environmental integrity and adequate governance and control structures. It is equally essential to ensure that the benefits arising from these initiatives effectively reach the populations involved, with respect for the rights of Indigenous peoples, traditional communities and all other social groups directly connected to the conservation of these territories.

In this context, the Brazilian Public Prosecutor's Office plays a fundamental role. Its constitutional mission of defending the legal order, the environment and social interests requires attentive action on the transformations arising from the implementation of these new instruments, capable of identifying risks, preventing irregularities and helping ensure that climate policies are developed in line with the principles of legality, transparency and socio-environmental justice.

It was from this perspective that the Environment Committee of the National Council of the Public Prosecutor's Office (CMA/CNMP) took part in holding the workshop **"Dialogues on Governance and Legal Certainty of REDD+ Programmes of the Brazilian Amazon"**, in partnership with the Interstate Consortium for Sustainable Development of the Brazilian Amazon and the Brazilian Association of Public Prosecutors for the Environment (ABRAMPA).

The initiative was an important space for bringing together representatives of the states, members of the Public Prosecutor's Office, specialists and partner institutions, enabling the sharing of knowledge, experience and different perspectives on the challenges of structuring and implementing jurisdictional REDD+ programmes.

Beyond deepening understanding of the technical and legal aspects of these mechanisms, the meeting reaffirmed the importance of institutional cooperation and of building understandings that strengthen legal certainty, ecosystem protection and the guarantee of the rights of the communities involved.

This publication is a valuable follow-up to that initiative: it systematises the main debates and contributions presented during the workshop, broadens access to the knowledge produced and offers input for improving public policies and the institutional work of the Public Prosecutor's Office on this subject.

We hope the reflections gathered here go beyond the limits of the meeting and encourage the continuation of the dialogue, the strengthening of partnerships and the development of initiatives committed to effective environmental results and concrete benefits for society.

After all, building a low-carbon economy will only be truly sustainable if it is grounded in environmental integrity, legal certainty, social participation and respect for fundamental rights.

May this booklet contribute to the maturing of this agenda and to an integrated, responsible action committed to protecting Brazil's environmental heritage and present and future generations.

Thiago Roberto Morais Diaz

Councillor of the National Council of the Public Prosecutor's Office
President of the Environment Committee – CMA/CNMP



Message from the Executive Secretary of the Interstate Consortium of the Brazilian Amazon

To the readers of this Booklet,

The Brazilian Amazon brings together distinct territories, realities and challenges, but also a shared responsibility: to conserve the forest, promote sustainable development and guarantee rights for those who live in it and depend on it. It is in this context that jurisdictional REDD+ presents itself as an opportunity to recognise the value of the standing forest and to strengthen public policies capable of reconciling environmental conservation, legal certainty and benefits for the Amazonian population.

I believe that jurisdictional REDD+ must be understood beyond a climate finance mechanism. It is a public policy of the State, which demands continuity, long-term planning and institutional commitment. Its results cannot be conditioned on government cycles, because forest protection, territorial security and the development of communities are permanent responsibilities.

For this opportunity to materialise, we must advance through dialogue, cooperation and clarity of responsibilities. Each state has its particularities, challenges and experiences, and it is precisely from this diversity that we can draw lessons and build common paths. Joint action by institutions, respecting their respective competences, is an essential part of this process.

Legal certainty is a condition for the credibility and continuity of these initiatives. It provides predictability for investments, protection of the rights of Indigenous peoples and traditional communities, and public confidence in the integrity of the programmes and projects implemented. This requires transparency, clear criteria, monitoring mechanisms and effective social participation. More than ensuring legal compliance, the aim is to build legitimate and consistent programmes, capable of producing concrete results for the Amazon.

It is important to remember, however, that legal certainty is not an end in itself. It must serve the building of legitimate, lasting policies capable of improving people's lives. The success of jurisdictional REDD+ cannot be measured only by the resources mobilised or the emissions reduced, but also by its capacity to strengthen territorial governance, expand sustainable economic opportunities and contribute to the development of the region.

This Booklet is the result of dialogue between the Interstate Consortium for Sustainable Development of the Brazilian Amazon, the Brazilian Association of Public Prosecutors for the Environment (ABRAMPA) and the National Council of the Public Prosecutor's Office (CNMP). This rapprochement stems from the recognition that implementing jurisdictional REDD+ requires coordinated action among the different actors involved. The states, working together with the Federal Government, play a central role in formulating and carrying out these policies, while the Public Prosecutor's Office contributes to monitoring their implementation, preventing irregularities and protecting collective and diffuse rights.

Cooperation among these institutions does not eliminate their different responsibilities, but allows them to contribute, from the outset, to improving public policies. Institutional dialogue, combined with transparency and oversight, strengthens legal certainty, anticipates challenges and broadens the conditions for programmes to achieve their objectives with integrity and legitimacy.

We hope this Booklet helps to qualify the debate, to bring institutions closer together, and to support public managers, members of the Public Prosecutor's Office and other partners in building an increasingly integrated agenda for jurisdictional REDD+. The Amazon needs policies that endure; protecting the forest and ensuring rights are responsibilities that demand continuous commitment, institutional trust and willingness to build joint solutions.

May this work be one more step in that direction, in favour of the Brazilian Amazon and of present and future generations.

Vanessa Duarte Emenergildo

Executive Secretary of the Interstate Consortium for Sustainable Development of the Brazilian Amazon

CHAPTER 1

01 Why we are here

Why is a dialogue between prosecutors and state managers necessary?

What was said at the opening

About 50 participants filled the auditorium: members of the Public Prosecutor's Office, state environment secretaries, civil servants, technical supporters and diplomatic representatives shared round tables, arranged so as to integrate different actors within the space.

The opening panel was made up of the three co-organisers: the leaders of the National Council of the Public Prosecutor's Office (CNMP), the Brazilian Association of Public Prosecutors for the Environment (ABRAMPA) and the Interstate Consortium for Sustainable Development of the Brazilian Amazon (CAL).



Figure 1 From left to right: Vanessa Duarte, Executive Secretary of the Consortium; Thiago Diaz, Councillor of the CNMP; and Luciano Loubet, President of ABRAMPA

The morning was opened by the Executive Secretary of the Interstate Consortium of the Brazilian Amazon, Vanessa Duarte Emenergildo, on behalf of the nine states. She explained that the workshop did not arise from an isolated event. It grew out of a perception built by the state environment secretaries themselves: the states already take part in committees, chambers and forums on REDD+ and maintain constant dialogue with the Federal Government, technical partners and funders. But actors from the justice system were not always present in those same spaces, with the same frequency and depth.[1]

That gap led to a programme of conversations with the CNMP, ABRAMPA, the National Council of Justice (CNJ), the Federal Public Defender's Office (DPU) and the Federal Council of the Brazilian Bar Association (OAB). The goal of these meetings was simple: to hear what doubts, concerns and expectations these institutions have, and where they see opportunities for cooperation in the jurisdictional REDD+ programmes.

Without this levelling, the Secretary said, it is not possible to make a jurisdictional programme viable that is solid, sound and legally robust. That is why the workshop was designed as a first step, not a final point. The intention is for the dialogue to mature and open the way to a larger meeting, with other institutions of the justice system and other strategic actors, gradually and based on trust.

Ask questions. Disagree. It is probably in our disagreements that we will learn the most.

— VANESSA DUARTE, EXECUTIVE SECRETARY OF THE CONSORTIUM[2]

Less lecture, more dialogue

The Secretary contrasted two formats. The first is expository: the whole day is spent watching presentation after presentation, and one leaves without having talked. The second is working tables, with exchange and collective construction. The workshop chose the second. The tables were designed to mix states, the Public Prosecutor's Office and partners because, in her words, the aim was not to have a "states' table" and an "MP table", but genuine exchange.



Figure 2 Workshop hall, with mixed tables.

The aim was levelling and building a bridge: a shared technical and legal understanding of what jurisdictional REDD+ programmes actually are. States cannot advance their policies if the understanding of the legal nature of these programmes, of free, prior and informed consent (FPIC), benefit-sharing, safeguards and transparency is not aligned with those who also have the role of overseeing and protecting rights.

The result is this: a reference document, built from the contributions made by the day's different actors. It gathers:

- the main understandings on the legal nature of jurisdictional REDD+;
- interpretations on the application of FPIC in large-scale programmes;
- recommendations for benefit-sharing models;
- guidelines on safeguards and transparency;
- proposals to continue the institutional dialogue between ABRAMPA, the CNMP, the states of the Brazilian Amazon and the Federal Government.

In her closing remarks, the Secretary acknowledged the technical support of IPAM and the support of the governments of Germany, Norway and the United Kingdom, of the MMA, UNDP, GIZ, GCF and C2050, which sustained the institutional strengthening in the Amazon that made the event possible.

Next, Dr Thiago Diaz, President of the Environment Committee of the National Council of the Public Prosecutor's Office, presented the problem in practical terms. The theme is still embryonic in the country and brings legal uncertainty that needs to be resolved.[3] The Committee organised this uncertainty into four fronts, because each group feels the problem in a different way:

- **Those who formulate policies** need to know how to make it viable to keep forests standing.
- **The Public Prosecutor's Office** needs access to information, must understand the requirements of the programmes and identify where oversight should be greater.
- **Investors** do not put money into an insecure environment.
- **Affected populations** need to understand that the forest is worth more standing than felled.

The Brazilian Association of Public Prosecutors for the Environment (ABRAMPA) set the tone for the discussion that would follow in the afternoon. Its President, Luciano Loubet, stated that the Public Prosecutor's Office is a protagonist of climate justice and accounts for a large share of public civil actions on the environment.[4] The priority, in his view, is to reduce emissions; the carbon market is a complementary instrument.

The priority is to reduce emissions. The carbon market is a complementary instrument.

— LUCIANO LOUBET, PRESIDENT OF ABRAMPA[5]

He highlighted three points of attention: integrity at the emission source, safeguards and consultation with communities, and the relationship with private property. These three points return, one by one, in the chapters that follow.

Words from the states

Raul Protazio, State Secretary for the Environment and Sustainability of Pará (and coordinator of the Sectoral Chamber for the Environment and Sustainable Development of the Consortium of the Brazilian Amazon), said that the structuring of the jurisdictional REDD+ system in Pará began in 2020, prompted by the LEAF Coalition. To explain what this means, he drew a comparison with oil. Forest carbon is an intangible asset, which donors came to value and then the market did too. But for a valued asset to become a benefit for the population, a

State decision is needed. In oil, Brazil built a complete system, with a regulatory agency, a state-owned company, an ownership law and benefit-sharing rules. Pará is seeking the same foundation: governance, monitoring (MRV), a legal framework, a public asset company and safeguards.

The Secretary traced the history to explain the current mismatch. The national REDD+ strategy was born oriented towards non-market approaches, with the ENREDD+, the CONAREDD+ and the Amazon Fund, whose donations are tied to emissions that did not occur. Around 2018 and 2019, private-sector interest shifted to market transactions, and the existing legal arrangement did not fit that logic. Acre, Pará and Tocantins then moved ahead with arrangements to make the instrument financially viable, the ERPAs (Emission Reduction Payment Agreements), which would make it a driver of state public policies.



Figure 3 Raul Protazio, State Secretary for the Environment of Pará

Finally, he addressed the double benefit of REDD+: it finances emission reductions and injects resources into the well-being (*bem viver*) of Indigenous peoples and traditional communities. In his view, had the oversight bodies taken part from the start of the dialogues, the states would not be facing public civil actions, but would instead be called upon to accelerate implementation within the safeguards. He argued that the economic valuation of the standing forest should be a cause for the whole country, including the Public Prosecutor's Office, and not only for the states.

"The states advanced in negotiations and market arrangements without bringing closer all the bodies that give legal backing to the democratic State [the justice system]. The lack of dialogue opened room for litigation that could have been avoided."

— RAUL PROTAZIO, SECRETARY FOR THE ENVIRONMENT OF PARÁ

Next, Marcello Lelis, State Secretary for the Environment and Water Resources of Tocantins (and Climate Director of the Consortium's Sectoral Chamber for the Environment), took the floor to show what defending the standing forest means in his state. Tocantins covers 277 thousand km², of which approximately 91% lies in the

Cerrado, and a considerable share is in a good state of conservation. Like Pará and Acre, the state chose the market approach and today is among those closest to certification for the sale of credits. In his view, the path to get there runs through three fronts: transparency, participation and rigour.

Marcello presented the dilemma that, in his view, lies at the heart of the matter: how to keep producing and developing in a state where agribusiness drives the economy, while at the same time reducing deforestation. According to him, Tocantins reduced deforestation from 2024 to 2025, which shows that it is possible to separate productive expansion from forest destruction.

"Tocantins covers 277 thousand km², of which 91% is Cerrado and 60% is conserved. We want to grow with the standing forest. The four-year political cycle does not fit the timelines of international validation. We ask for agility, without methodological shortcuts."

— MARCELLO LELIS, SECRETARY FOR THE ENVIRONMENT AND WATER RESOURCES OF TOCANTINS

He also brought up a fact that, in his view, changed the dialogue with agribusiness: since agriculture is the sector that loses most from straw burning, fencing and improvements, fire became a matter for cooperation.



Figure 4 Marcello Lelis, State Secretary for the Environment and Water Resources of Tocantins.

The speaker described the governance bodies as open: the productive sector, Indigenous peoples, traditional communities, family farmers and the government all sit at the table. According to him, the Federal Public Prosecutor's Office (MPF) did not miss a single meeting of the programme in the state, and the Court of Audit (Tribunal de Contas) also takes part.

For the jurisdictional programme, free, prior and informed consent (FPIC) was carried out in the field, with 52 three-day activities for Indigenous peoples, traditional communities and family farmers. The first day explained what REDD+ is, and benefit-sharing was discussed afterwards. There were also five regional workshops with the agricultural sector and 16 technical workshops with public managers and technical staff. To ensure understanding, Indigenous interpreters and accessible language were used.

"It was not 'for foreign eyes'; it was for Brazilians to see! It was real, it was true: the consultations and everything that happened."

— MARCELLO LELIS, SECRETARY FOR THE ENVIRONMENT AND WATER RESOURCES OF TOCANTINS

Finally, the Secretary addressed the political cycle as a risk to the legacy. The executive mandate lasts four years, and programmes cannot take a decade to come to fruition. He stated that the programme does not defend methodological shortcuts: the rigour of the adopted standard, of the auditors and of the legal framework must be preserved, but all actors in governance need to act with agility to speed up validations.

What the meeting was for

With the opening remarks concluded, the purpose of the day became clear: to raise questions, clarify points and align information on a new theme, namely the relationship between REDD+ and the carbon market.[6] These objectives recur throughout this booklet.

> **To remember:** Legal certainty is a condition for each actor, from policymaker to investor, to act with predictability.

1 EMENERGILDO, Vanessa Duarte. "Opening: levelling between states and the justice system". In: WORKSHOP DIALOGUES ON GOVERNANCE AND LEGAL CERTAINTY OF REDD+ PROGRAMMES OF THE BRAZILIAN AMAZON, 2026, Brasília. Oral presentation, 22 Jul. 2026.

2 EMENERGILDO, Vanessa Duarte. "Opening: levelling between states and the justice system". In: WORKSHOP DIALOGUES ON GOVERNANCE AND LEGAL CERTAINTY OF REDD+ PROGRAMMES OF THE BRAZILIAN AMAZON, 2026, Brasília. Oral presentation, 22 Jul. 2026.

3 DIAZ, Thiago. "Opening: on behalf of the Environment Committee of the CNMP". In: WORKSHOP DIALOGUES ON GOVERNANCE AND LEGAL CERTAINTY OF REDD+ PROGRAMMES OF THE BRAZILIAN AMAZON, 2026, Brasília. Oral presentation, 22 Jul. 2026.

4 LOUBET, Luciano. "Opening on behalf of ABRAMPA". In: WORKSHOP DIALOGUES ON GOVERNANCE AND LEGAL CERTAINTY OF REDD+ PROGRAMMES OF THE BRAZILIAN AMAZON, 2026, Brasília. Oral presentation, 22 Jul. 2026.

5 LOUBET, Luciano. "Opening on behalf of ABRAMPA". In: WORKSHOP DIALOGUES ON GOVERNANCE AND LEGAL CERTAINTY OF REDD+ PROGRAMMES OF THE BRAZILIAN AMAZON, 2026, Brasília. Oral presentation, 22 Jul. 2026.

6 SANTOS, José Godofredo Pires dos. "Purpose of the meeting and presentation of the methodology". In: WORKSHOP DIALOGUES ON GOVERNANCE AND LEGAL CERTAINTY OF REDD+ PROGRAMMES OF THE BRAZILIAN AMAZON, 2026, Brasília. Oral presentation, 22 Jul. 2026.

CHAPTER 2

02 Before talking about REDD+, which REDD+?

One name, two designs: the history and the difference between programme and project

Where the acronym comes from

REDD+ is the English acronym for "Reducing Emissions from Deforestation and Forest Degradation": reducing emissions from deforestation and forest degradation, plus the role of conservation, sustainable management and the enhancement of forest carbon stocks.[7]



Figure 5 Alexandre Avelino, environmental analyst at the Ministry of the Environment and Climate Change, first speaker at the event.

The concept was negotiated for almost ten years under the United Nations Framework Convention on Climate Change (UNFCCC), as a way of recognising the role of native forests in climate change mitigation. It rests on the principle of "common but differentiated responsibilities": developing countries need regular, predictable funding at the scale required to produce results at national level.

Under the Climate Convention and its legal instruments, such as the Paris Agreement, REDD+ is a positive incentive: a country that reduces deforestation and forest degradation, and increases its carbon stocks, can attract resources for that result. To do so, it must demonstrate four elements, which work as a technical entry checklist.[8]

- **Forest monitoring.** In Brazil, this can be carried out with instruments such as PRODES and TerraClass, from the National Institute for Space Research (INPE).
- **National strategy or action plan.** This is the National REDD+ Strategy (ENREDD+).[9]
- **Forest reference emission level (FREL).** This is the baseline against which reductions are measured. Without it, there is no way to know whether a reduction has occurred.
- **Safeguards information system (SIS).** This is the record of how safeguards are being respected, a theme that returns in Chapter 5.

In Brazil, the response was the National REDD+ Strategy (ENREDD+), announced at COP21 in Paris. It organises the federal government's action with a focus on preventing and controlling deforestation and degradation, on forest recovery and on sustainable development. Its general objective is to contribute to climate change mitigation through reducing deforestation, conserving and restoring forest ecosystems, and developing a sustainable low-carbon forest economy.



Figure 6 Images from the first talk.

The ENREDD+ is organised into three lines of action: the coordination of public policies on climate change, biodiversity and forests, including safeguards; the measurement, reporting and verification (MRV) of results; and the mobilisation of results-based payment resources, with benefit-sharing.

The same acronym, therefore, serves different designs. Alexandre Santos Avelino, from the MMA, summed up the point: the acronym is the same, but the implementation of the rules can vary, and it depends on training, information, collective construction and agreement to become operational.

The Brazilian path

For a long time, Brazil relied on so-called "non-market" approaches to finance the reduction of deforestation. The Amazon Fund is the best-known example: donor resources, managed by the Brazilian Development Bank (BNDES), that reward results without those results becoming tradable credits.

> **To remember:** Under Article 6.8 of the Paris Agreement, non-market approaches are a voluntary form of climate cooperation between countries, without carbon trading and without "*quid pro quo*" operations. They may involve finance, technology transfer and capacity-building, and should help the host country implement its NDCs. They do not transfer mitigation outcomes. Each initiative must involve more than one Party and seek to reduce negative environmental, economic and social impacts. Initiatives are registered on a UNFCCC platform, created to share information and bring partners together.[10]

The new framework of the Brazilian Emissions Trading System (SBCE), Law No. 15,042/2024, assigns to the National REDD+ Commission (CONAREDD+) the task of validating methodologies and monitoring safeguards when forest credits enter the market.[11]

Two ways of working with carbon

The most important distinction for anyone working on the subject is between a jurisdictional programme and a project. Both seek to reduce forest emissions, but they start from different premises.

- **The carbon project** delimits a specific area, such as a property, a concession or community land. It projects the baseline from trends and risk maps. It operates under voluntary or regulated standards, with private audits.
- **The jurisdictional programme** covers the whole state or jurisdiction. It uses imagery suited to large areas and calculates recent performance that has already been verified. It rewards what was reduced. In essence, it is public policy.

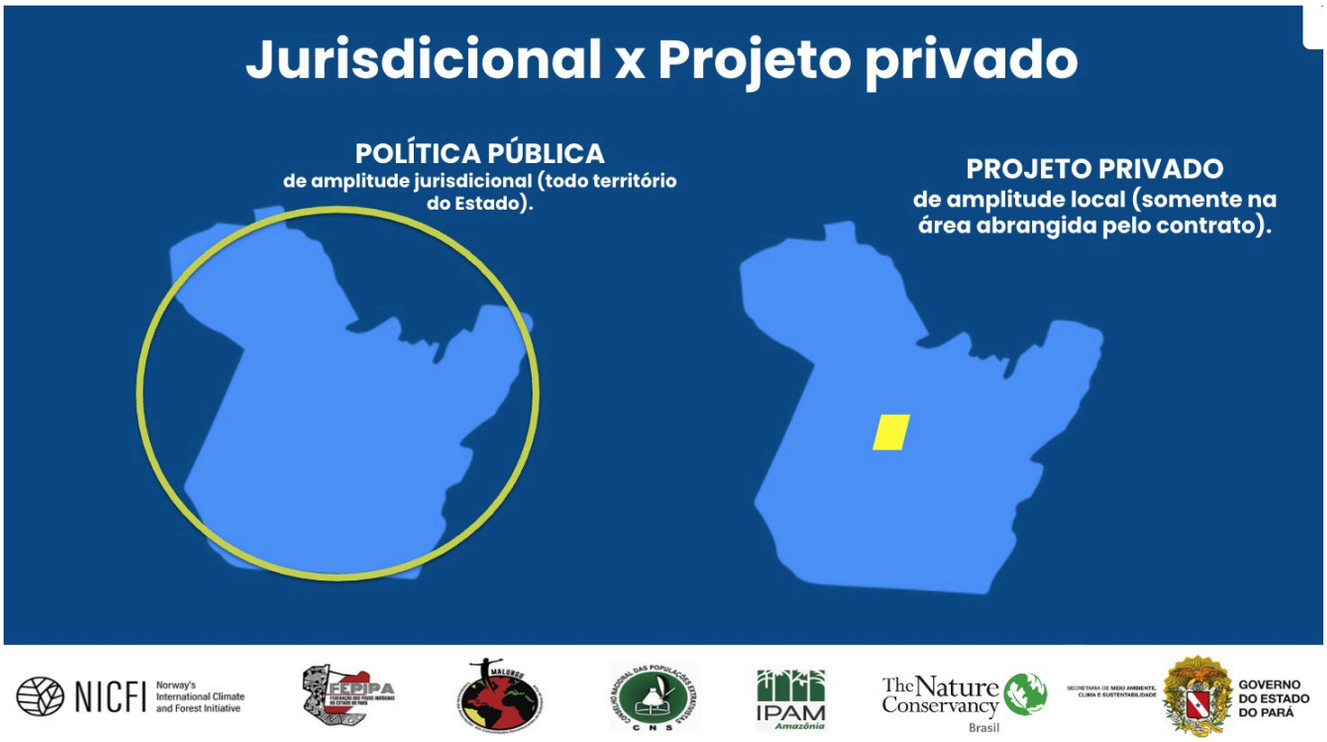


Figure 7 Slide by Secretary Renata Nobre, who leads the agenda for Water and Climate Management in the State of Pará.

The difference in scale has legal consequences. A state programme affects every property, every community and every supply chain in a territory. For this reason, consultation, benefit-sharing and control must be designed for the whole, and not only for an individual area. It is important, therefore, to understand that the methodologies are distinct. Thus, we see different emphases:

- **State (jurisdictional) programmes.** Broad scale, national or state. They are public policies, financed by public bodies, donations and other sources, outside the market. The baseline uses the emissions history already achieved.
- **Private projects.** Local scale. They receive resources from private actors and from carbon credits, in the market. The baseline is a projection of the future, made with a risk map. They require rigour in land assessment to prevent fraud.
- **Public projects.** Local scale, financed by public bodies. The presentation tied this design to one condition: it can only take place in areas where the public authority holds, at the same time, ownership and usufruct.

What lies ahead for the ENREDD+: what the participants said

- Review and update the ENREDD+.
- Regulate the operational aspects of Law No. 15,042/2024, which establishes the SBCE.
- Make the implementation of free, prior and informed consent (FPIC) more concrete and uniform in forest carbon projects and programmes.
- As a first action within the SBCE, ensure that programmes and projects follow minimum safeguard guidelines, as the ENREDD+ does in the national interpretation communicated to the UNFCCC. The discussion, still focused on collective territories, is a first approach to complex issues, such as FPIC, which still need to be explored in greater depth.

To remember: The same acronym does not authorise the same rule. Methods that work for a property may not suit a state programme.

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CHAPTER 3

03 Who supports, and what cannot be missing

Why do international partners invest in this agenda, and what do they consider non-negotiable?

The panel brought together representatives of three embassies and two technical partners. The question that guided it was direct: why do these actors support jurisdictional REDD+, and what do they consider essential for it to succeed.



Figure 8 From right to left: representative of Germany (Rita Walraf, First Secretary for Sustainable Development and Forests), of the Kingdom of Norway (Ines Schjølberg Marques, Councillor for Climate and Forests of the Kingdom of Norway) and of the United Kingdom (Tamanna Sidika, First Secretary for Forests and Agriculture), respectively.

What each partner argued

The Embassy of Germany, through Rita Walraf, First Secretary for Sustainable Development and Forests, opened by setting out the relevance of jurisdictional programmes for the Brazilian Amazon, where around 27.8 million people live from the forest and make their livelihood from it. For the German government, these programmes are a central instrument for curbing deforestation and keeping forests standing, and therefore supporting Brazilian partners is a priority.[12]

The partnership is about fifteen years old and began with the REDD Early Movers (REM) programme, operated by the German development bank KfW and the technical agency GIZ. In Brazil, REM was first implemented in the states of Acre and Mato Grosso and later came to include the United Kingdom.[13] Rita recalled that many of these programmes are financed jointly with Norway and the United Kingdom, in the GNU group (Germany, Norway and UK). Referring to the Amazon Fund, which turned 18, she stressed that results are, and must be, concrete on the ground, with social inclusion and effective participation by Indigenous peoples, quilombola communities and traditional communities, as well as partner public bodies.

For the First Secretary, Brazil is a pioneer on the agenda through a sequence of milestones: the Amazon Fund; the formal submission of Forest Reference Emission Levels (FREL); the establishment of CONAREDD+; INPE's satellite monitoring systems, recognised worldwide; and demonstrable results in applying socio-environmental safeguards. She described the current scenario as a coexistence between the traditional model of payment for results and donations for meeting targets, and a possible commercial environment in which proven conservation results may become tradable carbon credits. She acknowledged the challenges the debate revealed: the regulation of private contracts over local territories, large-scale negotiations between states, and alignment with the international rules on transferring mitigation outcomes under Article 6 of the Paris Agreement. Finally, she recalled that the establishment of the Brazilian Emissions Trading System (SBCE) in 2024 is a historic step, and that its regulation requires joint efforts from government, legal and technical actors.

Ines Schjølberg Marques, Councillor for Climate and Forests of the Kingdom of Norway, for her part, recalled that deforestation does not respect administrative boundaries. For this reason, the most effective responses depend on coordination between the federal government, states and municipalities, on legal certainty, on social participation and on the strengthening of public institutions. For nearly two decades, the Norwegian International Climate and Forest Initiative (NICFI) has supported the forest and climate agenda.[14] It structured the country's position around three reasons.

- **Scale.** Sustained reduction of deforestation in Brazil depends on cross-cutting policies, firm enforcement, land regularisation and broad economic incentives, which only work at state and national scale. Through the Projeto Folha, in partnership with UNDP, Norway supports Brazilian Amazon states in monitoring systems, safeguards, governance, legal certainty and preparation for independent verification and audit. The aim is to create permanent public capacities that outlast political cycles and are shared among jurisdictions.
- **Integrity.** Climate finance must correspond to real, additional and verifiable reductions, with transparency, robust scientific monitoring and respect for the rights of Indigenous peoples and traditional communities. Ines cited high-integrity standards, such as ART/TREES, and stated that without this trust there is neither sustainable demand nor long-term liquidity. For her, jurisdictional programmes are the best foundation for this credibility, because they combine territorial scale, democratic public governance and alignment with sovereign climate targets.
- **Finance.** The Amazon Fund, with Norway's firm commitment until 2035, was decisive in restructuring forest governance and combating environmental crime. But to reach zero deforestation by 2030, much larger volumes will have to be mobilised, with private investment and market resources. At this point, Norway co-founded and is part of the LEAF Coalition, which brings together governments and companies to channel resources to jurisdictional forest credits of the highest integrity.[15]

The Councillor summed up that jurisdictional REDD+ rests on a three-legged stool of scale, integrity and finance, and closed by calling on all sectors: public authorities, the justice system and the Public Prosecutor's Office, Indigenous peoples and traditional communities, civil society, rural producers and financial institutions.

Integrity is the condition for finance. Without it, the programme loses attractiveness, however good the intention.

— INES S. MARQUES, EMBASSY OF THE KINGDOM OF NORWAY[16]

The British Embassy, through Tamanna Sidika, First Secretary for Forests and Agriculture, congratulated the states for opening a structured channel of dialogue with the justice system. She stated that legal certainty "is not imposed: it is built collectively", through reciprocal listening and mutual trust. She recalled that tropical forests can account for up to 20% of the mitigation potential needed to keep global warming between 1.5°C and 2°C, and that the world faces a financing gap of around US$300 billion a year, until 2030, for forest conservation and restoration.[17]

On the carbon market, Tamanna presented it as the instrument with the greatest capacity for scale and short-term liquidity, with potential to mobilise between US$3 and US$6 billion a year for countries with tropical forests. The United Kingdom advocates carbon pricing and robust social and environmental safeguards, applicable to both regulated and voluntary markets. As a founding member of the LEAF Coalition, alongside Norway, Germany, the United States and South Korea, she stated that the coalition only transacts with jurisdictions that demonstrate safeguards independently audited under the ART/TREES standard, in line with the Cancún Safeguards.[18]

The British representative explained that the UK's role is not limited to providing funding and includes direct technical support. She cited the AIM4Forests project, carried out with the FAO, which helps Brazil and the states improve forest monitoring, use high-accuracy geospatial data for measurement, reporting and verification (MRV), ensure deforestation-free commodity chains and build the capacity of Indigenous communities for independent territorial monitoring. She respected each jurisdiction's autonomy but presented two pillars she considers non-negotiable. The first is the effective and leading participation of Indigenous peoples and traditional communities, which is the basis of benefit-sharing systems with safeguards and ombudsman offices to resolve conflicts. The second is strict compliance with the international Cancún safeguards and with the Brazilian legal framework for socio-environmental protection. For the United Kingdom, these conditions lend credibility to state programmes, attract growing volumes of resources and generate social impact.

The Governors' Climate & Forests (GCF) Task Force, represented by Carlos Aragón, its national director in Brazil, addressed the political trajectory of the agenda. He recalled almost twenty years of technical and diplomatic battles for REDD+ to exist and be recognised. Until a few years ago, REDD+ was formally ineligible for the international voluntary carbon market, and the recognition of jurisdictional programmes was the result of a sustained legal and political struggle, led above all by state environmental attorneys and the legal advisory offices of the states.

For him, REDD+ is one of the central instruments in the basket of climate solutions: not the only solution, but irreplaceable in tropical regions.



Figure 9 Carlos Aragón, National Director, Governors' Climate & Forests Task Force

On results, Aragón pointed to the REM programmes in Acre and Mato Grosso as proof that these resources strengthen environmental agencies, make enforcement possible and promote sustainable development at the grassroots. He recalled that the states are the direct territorial implementers of public policies and that synergy with the federal government is indispensable. Recalling the meeting that marked the 16th anniversary of the GCF Task Force, he cited the thesis that converged there: without the leadership of subnational governments, the world will not meet its climate targets. In his view, old models must be abandoned and investment made in a structural, regular, stable and lasting way.

To conclude, Aragón set out five reasons why jurisdictional REDD+ represents a new management paradigm:

- Territorial scale. The Amazonian states are larger than many countries. It means managing continental-sized territories, and only the jurisdictional scale covers that magnitude.
- Alignment of public policies. Jurisdictional REDD+ connects multi-year plans, agrarian, fiscal, public security and infrastructure policies, reduces bureaucratic overlap and optimises public resources.
- Measurable results and technical integrity. Consolidated scientific methods and metrics exist to demonstrate reductions in emissions and the preservation of forest carbon stocks, under international standards of excellence.
- Nature-based solutions. Intact forests act as dikes and shields against climate extremes and offer the most cost-effective alternative for carbon mitigation and for essential ecosystem services. Native forests are essential for climate balance because they act on two fronts at once: they prevent carbon already stored from being released into the atmosphere, and they continue to remove CO_2 from the air.
- Prioritisation. Resources are not unlimited, which demands strategic choices and distributive prioritisation, but jurisdictional REDD+ channels resources capable of structurally changing the dynamics of development in the Amazon.

By video conference, Gabriela Savian, Public Policy Director of the Amazon Environmental Research Institute (IPAM), spoke on behalf of the civil society technical organisations.[19] She began with IPAM's institutional partnership with the Consortium and with ABRAMPA, which provides technical support for the design and facilitation of the workshop, and recalled that REDD+ connects with agendas the institute follows closely: structural action

against illegal deforestation, the designation and legal protection of undesignated public forests, and coordinated response to forest fires. For her, these fronts converge on the same core: REDD+ is not reduced to command and control, and includes incentives for productive transition, the bioeconomy and forest value chains.

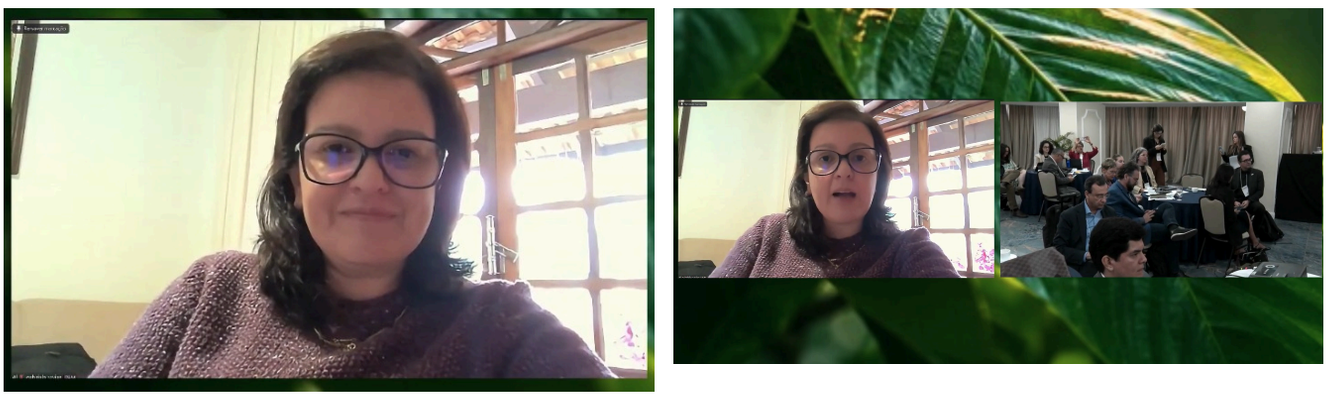


Figure 10 Presentation by Gabriela Savian, Public Policy Coordinator at IPAM

The researcher traced the trajectory of REDD+ from its conceptual genesis, when the acronym had only one "D", and highlighted the leading role of local communities, Indigenous peoples and traditional populations as a pillar of that trajectory. She recalled that IPAM has worked with Acre since the early 2000s, and that the state was a pioneer in showing the limits of isolated, voluntary, project-based initiatives: the risk of *leakage* of deforestation to neighbouring areas and the fragility of long-term public governance. The jurisdictional approach emerged precisely to close these gaps. Since COP26, in 2021, IPAM has advised the Consortium on the presentation of the Amazon states at climate conferences, so that international recognition rests on the integrity of state public policies.

She then set out three reflections, on behalf of the technical civil society:

- **Structured, long-term technical support.** Meeting international integrity requirements, from socio-environmental safeguards to MRV (measurement, reporting and verification) systems, demands a high level of technical capacity in reporting and monitoring. The turnover of teams in the secretariats, caused by the alternation of mandates, makes it necessary for cooperation to be structured, intergenerational and continuous, so as to avoid discontinuity. Institutional memory must be preserved in a lasting way.
- **Democratic governance and civil society participation.** The work of NGOs and social movements goes beyond technical advice: it forms the social fabric that sustains climate strategies politically and makes them last. Participatory governance is the safeguard that prevents commitments from being dismantled in electoral transitions, and ensures that emission reductions engage with the aspirations of local communities.
- **Multilateral cooperation and international bodies.** She acknowledged the support of Norway and the United Kingdom, both through direct projects and through programmes with UNDP. This support feeds a network of institutions, which she named as IPAM, TNC, ICV and WRI, that operationally supports state governments. Partnerships with UNEP have also taken Amazon states to climate conferences and climate weeks.

In closing, Gabriela reaffirmed IPAM's commitment to providing technical, scientific and strategic advice to the states and to partners in the justice system, so that political transitions do not weaken environmental achievements. For the Public Prosecutor's Office and the legal departments, the practical reading is that the technical memory of the programmes must survive changes in staff.

What links the talks

Funders do not commit resources to an environment that cannot explain its own rules. Trust depends on three things that reinforce one another: measurable results, respected rights and institutions that endure over time. For the justice system, this point matters because the Public Prosecutor's Office is one of the institutions that guarantee this trust.

> **To remember:** For funders and buyers, integrity is the condition of trust. Without it, the programme loses attractiveness, however good the intention.

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12 WALRAF, Rita. "Why partners support the agenda: Embassy of Germany". In: WORKSHOP DIALOGUES ON GOVERNANCE AND LEGAL CERTAINTY OF REDD+ PROGRAMMES OF THE BRAZILIAN AMAZON, 2026, Brasília. Oral presentation, 22 Jul. 2026.

13 REDD EARLY MOVERS PROGRAMME (REM). Results-based payments for deforestation reduction in Acre and Mato Grosso. [s.l.], [n.d.].

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15 LEAF COALITION. Lowering Emissions by Accelerating Forest finance. [s.l.], [n.d.].

16 MARQUES, Ines Schjølberg. "Why partners support the agenda: Embassy of the Kingdom of Norway". In: WORKSHOP DIALOGUES ON GOVERNANCE AND LEGAL CERTAINTY OF REDD+ PROGRAMMES OF THE BRAZILIAN AMAZON, 2026, Brasília. Oral presentation, 22 Jul. 2026.

17 SIDIKA, Tamanna. "Why partners support the agenda: British Embassy". In: WORKSHOP DIALOGUES ON GOVERNANCE AND LEGAL CERTAINTY OF REDD+ PROGRAMMES OF THE BRAZILIAN AMAZON, 2026, Brasília. Oral presentation, 22 Jul. 2026.

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CHAPTER 4

04 Credit has many lives

When an environmental service becomes a tradable credit, what changes?

Lawyer Ludovino Lopes, legal opinion writer and reference in climate regulation and carbon market law, opened his talk with a thesis that guides this chapter: the game has changed.[20] According to him, what was political intent and an action plan, often expressed in voluntary commitments, has become a legal obligation within an extremely complex normative framework that most managers and operators have yet to master. The speaker recalled that the Climate Convention and the Paris Agreement are part of the Brazilian legal corpus, and failing to comply with them means breaking the law.[21]

> **To remember:** The Federal Supreme Court (STF) has ruled that the Paris Agreement is a human rights treaty with supra-legal status in Brazil (ADPF 708). "Constitutional, supra-legal and legal duty of the Union and of elected representatives to protect the environment and combat climate change. The matter, therefore, has binding legal nature and is not a question of free political choice. [...]"[22]

From voluntary commitment to legal obligation

According to the speaker, in 2004 the first relevant regulated emissions system emerged, the European ETS, which covered 7% of global emissions. By 2012, European coverage had reached 11%, and by 2024 regulated systems already covered 24% of global emissions. With the enactment of the Brazilian Emissions Trading System (SBCE) at the end of 2024, Brazil joined this group. Ludovino estimated that global coverage approaches 30% of emissions, and that regulated systems probably account for 70% to 80% of world GDP.

As a consequence, the targets of the National Climate Plan and of the National Policy on Climate Change are no longer merely objectives. They now have economic financing instruments, and measurement, reporting and verification (MRV) has become a legal requirement, with subnational and local impacts. He drew attention to the challenge of integrating these dimensions within a four-year political cycle, which does not coincide with the carbon cycle.



Figure 11 Ludovino Lopes, lawyer specialising in climate.

Ludovino highlighted the weight of the new law: the SBCE provides for fines of up to R$20 million and for the possibility of closing down the operations of the offending company (art. 37, II). For him, this makes the instrument a mechanism for controlling public policy, with high penalties.

One asset, four legal forms

To explain the passage from the environment to the market, Ludovino used the metaphor of Pokémon and their evolutions, presenting the gradation of value according to the validation of the credit. The asset follows the same path: the forest that captures and stores carbon, which changes legal and economic form as it evolves. Each form has its own regime, and a change from one to another alters who can take part, who oversees and who is liable.

Environmental service (PES): This is payment for environmental services, provided for in Law No. 14,119/2021[23] and regulated by Decree No. 13,018/2026.[24] It is a contract for the provision of conservation, restoration or reforestation services. According to the speaker, it does not generate a negotiable instrument in financial markets, because there is no asset to be traded.

Voluntary credit: It arises from private certification standards, after methodology application, verification and registration. It exists only with a serial number, which evidences the technical and legal recognition that the activity reduced a given volume of emissions. Without the serial number, Ludovino compared the situation to the "birth certificate" of a child not yet born: there is only an expectation of a right. When the area is privately owned, the credit is, in his view, a civil fruit under the law. When it comes from State activity, it is a tradable intangible asset.

Regulated credit: Under the SBCE,[25] the credit becomes a security (*valor mobiliário*), under the regulation of the Brazilian Securities and Exchange Commission (CVM).[26] The operation requires a CNPJ (National Register of Legal Entities) and a compatible economic activity, such as a CNAE (National Classification of Economic Activities) code for the financial market. Tax and fiscal impacts differ at each stage, and the speaker warned that this must be addressed with great clarity.

International outcome, ITMO: This is the transfer between countries provided for in Article 6 of the Paris Agreement.[27] When the credit becomes an ITMO, the Brazilian government becomes answerable for it, because it issues and authorises an instrument with economic value. Ludovino raised three questions that, in his view, still lack clear answers: who would be liable if an ITMO were cancelled, where the replacement ITMO would come from, and whether the obligation would fall on the Treasury or on whoever generated the reduction.

The specialist insisted on a point of legal technique: the carbon credit is an information-based credit. Its validity depends on the quality of the verification report and the audit that give rise to it, and on the formal registration that creates the right to transact. For this reason, the question of "can it be sold" or "can it not be sold" depends on the stage the asset has reached.

Until there is a serial number, there is only an expectation of a right.

— LUDOVINO LOPES, SPECIALIST LAWYER[28]

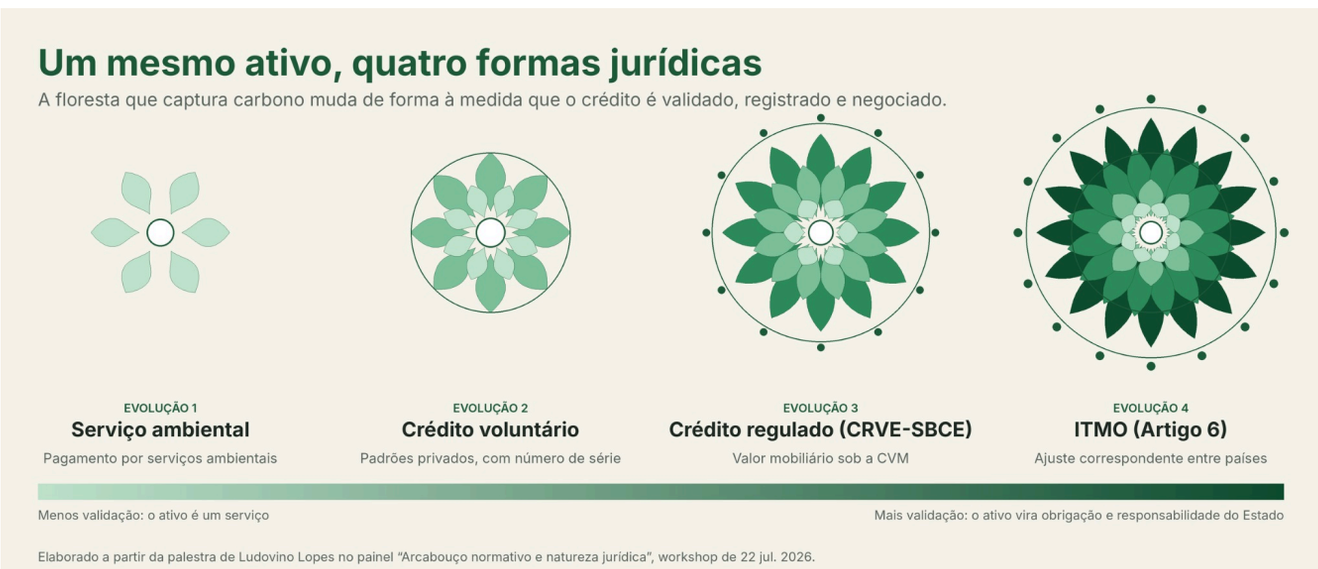


Figure 12 Illustration of the asset's "evolution", based on the talk by Dr Ludovino Lopes.

Trade balance, balance of payments and budget

According to the speaker, legal classification has a direct effect on the country's accounts. A civil fruit or an intangible asset, when exported, enters the trade balance of goods and services. A security, by contrast, leaves the trade balance and becomes part of the balance of payments, which completely changes the country's financial strategy and the way the instrument is used in public policy.

Ludovino also pointed to an economic distortion. In his view, the same emission reduction may be worth different amounts depending on the "evolutionary" level of the credit. If nothing is organised, states with the same forest will have very different values for their land. For this reason, the speaker concluded that the asset needs its own budget line in the federal and state budgets: "the forest has stopped being only an expense; it has become an asset".

Another change, in Ludovino's view, is that the State now needs a business structure to handle financial assets. He cited that Acre created the Environmental Services Development Company (CDSA), that Pará created the Pará Environmental Assets and Holdings Company (CAAPP), and that Tocantins has also moved in this direction. For the speaker, a financial asset requires a CNPJ, compliance and formal operation. He also stressed that Brazil already has an economic activity code (CNAE) for the conservation and enhancement of carbon stocks, which makes this activity a sector recognised by economic regulation.

Who owns the carbon

The question that comes up most in any conversation about credits, according to Ludovino, is who owns the carbon. For him, the law already recognises nine legitimate holders: the Union, the states, the municipalities, private owners, Indigenous peoples, traditional extractive communities, quilombola communities, agrarian reform settlers and other legitimate users.

The speaker compared this situation to a family that must agree on visitation arrangements for the children, that is, the division of shared resources. No one owns the whole, and the division only works if there are clear rules about who decides, who keeps what and what the management limits of each party are. He stated that the law has already defined who the legitimate owner is for each type of area, but that this "pie" still needs to be managed, and that this is an enormous challenge.

Jurisdictional programme and private project: nesting and the right to exit

The law treats the jurisdictional programme, a public policy at integrated scale, differently from the private project, a localised structure. The programme's assets are public, but they align with private assets within the same territory.

- **Nesting.** When a jurisdictional programme and private projects overlap in the same territory, the rules of one affect the other. For the speaker, this is the most delicate case in governance.
- **Right to exit (*opt-out*).** The private holder may choose not to take part in the programme and may even develop its own project. The rule must be written down so that the choice is free.
- **Ownership with a project.** For a private holder, land ownership alone is not enough: legitimate title and usufruct are required, plus a carbon project. The law protects the generation of the asset, not bare ownership. Land that does not generate carbon assets does not necessarily need to be removed from the accounts.
- **Consultation plan and protocol.** The jurisdictional programme is handled through a consultation plan, approved within the programme's governance. The private project is handled through consultation protocols. The law refers to different instruments, and the CONAREDD+ resolution addresses the subject, but doubts of interpretation remain.

> **To remember:** A jurisdictional programme and its FPIC processes do not replace the consultation for a project, and the consultation for a project does not approve the project within the programme. Consultation also does not create rights by itself: rights come from the law, and consultation qualifies the decision.

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24 BRAZIL. Decree No. 13,018, of 11 June 2026. Regulates Law No. 14,119, of 13 January 2021, which establishes the National Policy on Payment for Environmental Services and the Federal Payment for Environmental Services Programme, and provides for the Strategic Committee of the Federal Payment for Environmental Services Programme and the National Knowledge Network on Payment for Environmental Services. Brasília, DF: Presidency of the Republic, 2026.

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26 BRAZILIAN SECURITIES AND EXCHANGE COMMISSION (CVM). Regulation of securities (valores mobiliários). Rio de Janeiro: CVM, [n.d.].

27 UNITED NATIONS. Paris Agreement. Paris: United Nations, 2015. Article 6.

28 LOPES, Ludovino. "Legal architecture of carbon credits". In: WORKSHOP DIALOGUES ON GOVERNANCE AND LEGAL CERTAINTY OF REDD+ PROGRAMMES OF THE BRAZILIAN AMAZON, 2026, Brasília. Oral presentation, 22 Jul. 2026.

CHAPTER 5

05 Safeguards: reduction must also bring benefits

How can the programme avoid causing harm while still generating benefits for those who live in the territory?

Because this is an extensive topic, the speaker organised her presentation in four parts: what safeguards are; how they are provided for in Brazil and in the ART/TREES standard (one of the most widely used for jurisdictional programmes); how the states apply them; and, finally, the criticisms from the Public Prosecutor's Office and the Public Defender's Office.[29]

1. What safeguards are

Safeguards are rules that ensure emission reductions do not cause harm to people or to the environment. Moreover, they must generate benefits beyond carbon. The idea has evolved in two stages, as the table below shows.[30]

PRINCIPLE	WHAT IT MEANS
"Do no harm"	Prevent a policy or an investment from harming people or the environment.
"Do good"	Go further: promote governance, gender equality and the rights of Indigenous peoples and local communities.

2. The seven Cancún safeguards

The safeguards originate in Decision 1/CP.16, adopted at COP-16 in Cancún in 2010. They state that REDD+ actions should be "promoted and supported". In Brazil, the translation of these guidelines into public policy is found in CONAREDD+ Resolution No. 15 of 2018 and Resolution No. 19 of 2025.[31][32] Under the Warsaw Framework of 2013, no payment for results occurs without demonstrating how the safeguards were addressed and respected.

LETTER	SAFEGUARD (CANCÚN)	IN PLAIN TERMS
A	Coherence with national forest programmes and with international treaties.	The programme aligns with the country's policies and with the agreements Brazil has signed.
B	Transparent and effective forest governance structures.	Clear rules, accessible information and the fight against corruption.
C	Respect for the knowledge and rights of Indigenous peoples and local communities.	Traditional knowledge and territorial rights are respected.

LETTER	SAFEGUARD (CANCÚN)	IN PLAIN TERMS
D	Full and effective participation of relevant stakeholders, in particular Indigenous peoples and local communities.	Those affected take part in decisions from the outset.
E	Conservation of natural forests and biodiversity, without using REDD+ to convert natural forest.	REDD+ must not be used to exchange native forest for another use.
F	Actions to address the risks of reversal (permanence).	Protected forest must not be lost later, through fire or subsequent deforestation.
G	Actions to reduce the displacement of emissions (leakage).	Deforestation must not simply move elsewhere.

3. Addressing and respecting: the distinction that changes everything

The Cancún Framework requires that safeguards be "addressed" and "respected". These two words are not synonyms, and the difference defines who does what.

	ADDRESS	RESPECT
What it is	Having the rule on paper: policies, laws, regulations and institutions capable of dealing with risks.	Making the rule work in the jurisdiction: the rules are complied with and produce real results in the territory.
Question it answers	Is the rule provided for?	Has the rule become reality?
Dimension	Normative. It is the starting point: without a normative provision, there is no safeguard.	Practical. Without results, there is no safeguard.
Who acts	The legal and institutional framework created by the State.	The Public Prosecutor's Office oversees concrete results. Collegiate bodies monitor and exercise social control.

One of the standards used by the states, ART/TREES, was designed to close a gap in earlier experiences: it was enough for a law to exist for a safeguard to be considered complied with. By choosing high-quality standards, states subject themselves to more criteria: it is not enough for a law to exist, process, resources and results are needed. For this reason, adherence to this kind of standard increases the pressure to comply with the safeguards.

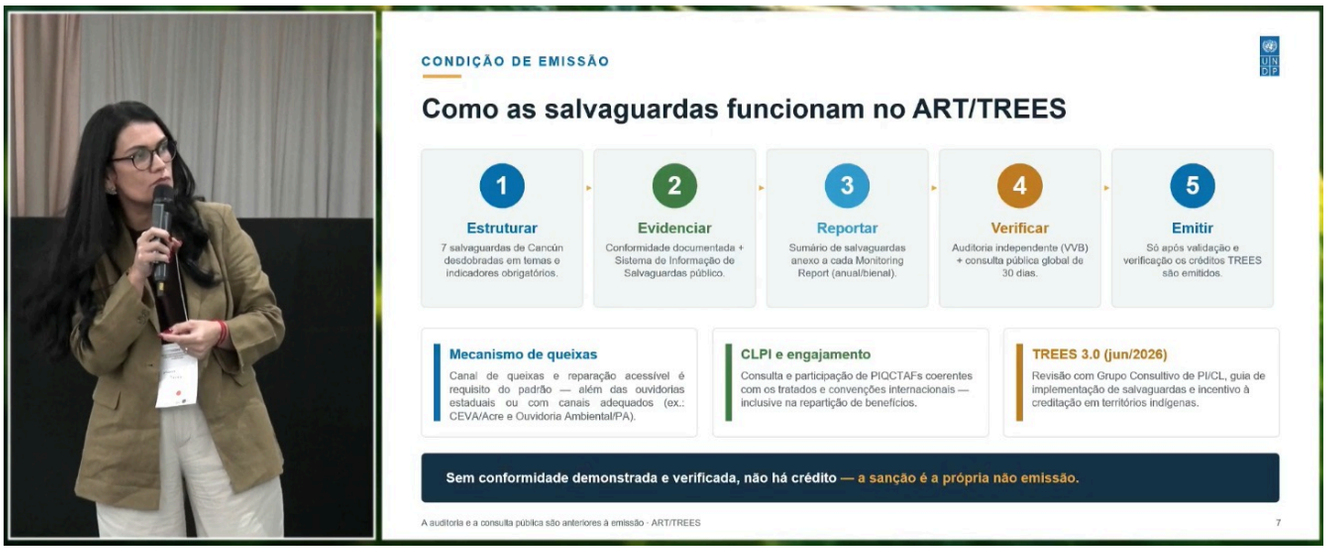


Figure 13 Milena Terra, UNDP specialist, in a slide showing how the safeguards work under ART/TREES.

No credit is issued without demonstrated and verified compliance. Two moments are the most important: the programme's entry into the standard, and validation and verification by an independent auditor (validation and verification body, VVB). In addition, the standard requires an accessible complaints and redress mechanism, beyond the state ombudsman offices. The TREES 3.0 version itself, of June 2026, was reviewed with an advisory group of Indigenous peoples and local communities.

5. Participation: what is specific to Brazil

In Brazil, consultation is not limited to Indigenous peoples, as in other countries. FPIC also covers quilombola communities and traditional peoples and communities; CONAREDD+ Resolution No. 19/2025 expressly includes family farmers settled through agrarian reform, subject to its scope of application. She also pointed to governance as a sign of progress: the state collegiate bodies are almost entirely gender-balanced, with participation by women, young people and older people.

Safeguards are not seen as bureaucracy, but as a key issue for socio-environmental integrity.

— MILENA TERRA [33]

6. What the states already show

Milena presented examples of each safeguard in the Amazon states. Some figures help to understand the practical application:

- **Safeguard A:** according to the speaker, the benefit-sharing of the Amazon's jurisdictional programmes is aligned with the public policy matrix.
- **Safeguard B:** since 1992, Tocantins has kept the minutes of its environmental and REDD collegiate bodies up to date and public. The challenge, according to her, is to translate technical and legal language so that it can be understood.
- **Safeguard C:** over 15 years of implementation in Acre, the 15 years of the Amazon Fund and the experience of Mato Grosso, the speaker stated that there has been no complaint of violation of land rights or forced

relocation resulting from REDD actions.

- **Safeguard E:** over 15 to 18 years of the Amazon Fund and of REM, there is no complaint of REDD resources being used for forest conversion.

On the cost of consultation and engagement, Milena highlighted the amounts already invested by the states:

STATE	INVESTMENT IN FPIC AND ENGAGEMENT
Acre	BRL 5 million
Tocantins	More than BRL 10 million
Pará	BRL 16 million (under way)
Mato Grosso (REM)	More than €2 million in the first phase, with support from Norway and the United Kingdom

For the speaker, no other Brazilian public policy has this level of investment in consultation.

A story from the territory

To show how Safeguard E translates into practice, the speaker described riverside communities of the Juruá Valley, in Acre, who live from cassava flour. Safeguard E deals with the conservation of forests and biodiversity, and one of its themes in ART/TREES is 5.3, on social and environmental benefits. The benefit came from an action financed by REM Acre: outboard motor boats. With them, according to the account, families began taking their produce to market, transporting school meals and assisting pregnant women and people bitten by snakes.

The co-benefit, therefore, did not arise by chance. It is the direct result of a fulfilled safeguard: the programme must demonstrate social and environmental benefits for those who live in the forest, not only emission reductions.

29 TERRA, Milena. Socio-environmental safeguards in jurisdictional REDD+ programmes. [Slide presentation]. In: WORKSHOP DIALOGUES ON GOVERNANCE AND LEGAL CERTAINTY OF REDD+ PROGRAMMES OF THE BRAZILIAN AMAZON, 2026, Brasília. Brasília, 22 Jul. 2026.

30 UN-REDD; UNEP. REDD+ Academy: REDD+ Safeguards. [s.l.: s.n.], 2025. [Check the web address and access date.]

31 UNITED NATIONS. United Nations Framework Convention on Climate Change. Decision 1/CP.16: Cancún Agreements. Cancún: United Nations, 2010.

32 NATIONAL REDD+ COMMISSION (CONAREDD+). Resolution No. 15, of 2018. Brasília, DF, 2018. [Summary to be checked.]

33 TERRA, Milena. "Safeguards and transparency". In: WORKSHOP DIALOGUES ON GOVERNANCE AND LEGAL CERTAINTY OF REDD+ PROGRAMMES OF THE BRAZILIAN AMAZON, 2026, Brasília. Oral presentation, 22 Jul. 2026.

CHAPTER 6

06 Free, prior and informed consent: a process, not a checklist

When is consultation enough, and when does it become a formality?

Before consultation: the role of each institution

Godofredo Pires, prosecutor of the Public Prosecutor's Office of Pará and member of ABRAMPA, opened the session with an institutional warning. The Public Prosecutor's Office does not have a single position on REDD+ and consultation. The isolated view of one prosecutor or attorney does not represent the institution, because of functional independence. For this reason, it is necessary to separate views expressed personally from institutional positions.[34]

He also explained the constitutional role of each institution. The Public Prosecutor's Office defends diffuse rights, that is, rights without a specific holder, and the democratic order. The Public Defender's Office defends the vulnerable. These roles sometimes conflict: there are Public Prosecutor's actions to clear a stream, and Public Defender's actions so that vulnerable people in that locality can remain there. For Godofredo, this is democracy at work, even if it is conflictual.

What consultation is

Free, prior and informed consent (FPIC) is a collective human right, guaranteed by the International Labour Organization's Convention No. 169. To understand it, it helps to separate the four words that make it up:[35]

- **Free:** the community decides without coercion, pressure or promises that condition its response.
- **Prior:** consultation takes place before the crucial decision, not after the project has already been designed or approved.
- **Informed:** information arrives in understandable language, with risks, benefits and contract clauses explained.
- **Consultation:** a dialogue process, with a real possibility for the community to accept or reject the proposal.

Dr Godofredo warned that consultation cannot become a checklist. He described the reasoning he considers insufficient: the company or government that says "we obtained approval, we completed a step, we heard that community, so the matter is settled". For him, consultation requires a relationship of understanding, and not the mere fulfilment of a step required by regulation.



Figure 14 Dr Godofredo Pires, Prosecutor of the Public Prosecutor's Office of the State of Pará.

There must be a relationship of understanding about what is being asked, how it is asked and what the role of consultation is.

— DR GODOFREDO PIRES, PROSECUTOR OF THE PUBLIC PROSECUTOR'S OFFICE OF THE STATE OF PARÁ.

In other words, consultation is a dialogue, not a form signed at the end. It only fulfils its function if information arrives in understandable language, if there is time to deliberate and if the community can say no.

Four pillars of the obligation

- **Collective human right**, guaranteed by Convention No. 169.
- **National guidelines**, such as CONAREDD+ Resolution No. 19 of 2025.[36]
- **Transparency and benefit-sharing**, in the case of projects regulated by the SBCE.
- **Good faith**: consultation cannot be merely a formality, and must be a relationship of understanding.

Of the four pillars, good faith is the hardest to define, because it cannot be measured by a document. In Godofredo's view, it appears when the community has time, information and freedom to deliberate, and when consent is not a formality used to close a process.

Who must be consulted

The hardest question is who must be consulted. Godofredo explained that Convention No. 169 adopts the criterion of self-identification: tribal peoples are groups whose social, cultural and economic conditions distinguish them from the rest of the national community, and which are governed wholly or partially by their own customs or traditions. For the Convention, awareness of Indigenous or tribal identity is the fundamental criterion.

In Brazil, Decree No. 6,040 of 2007 defines traditional peoples and communities as culturally differentiated groups that recognise themselves as such, have their own forms of social organisation, and use their territories and natural resources collectively as a condition for their cultural, social, religious, ancestral and economic reproduction.

According to the prosecutor, these are indeterminate legal concepts, and applying them to concrete cases requires interpretation. The Inter-American Court of Human Rights has already condemned States for failing to apply consultation. In practice, this means that the identification of affected groups must be carried out case by case, with the participation of the groups themselves.

What Resolution No. 19/2025 establishes

The presentation by Alexandre Avelino, of the MMA, went through the resolution's 25 articles. The points below gather the rules that most affect consultation and benefit-sharing.[37]

- **Scope (art. 1).** It sets out rules for REDD+ programmes and for public and private forest carbon projects, on public lands and collective territories of Indigenous peoples, quilombola communities, traditional communities and settled family farmers. Projects must follow Brazilian legislation and international safeguard standards, such as those of Cancún and of the Paris Agreement.
- **Legitimate participation (art. 2).** Peoples and communities are essential to the process. Their representative entities are legitimate parties to propose or take part in forest carbon projects and programmes, which guarantees decision-making autonomy.
- **Territorial management (art. 3).** Activities must be aligned with existing instruments, such as management plans, environmental management plans and other forms of community management. This avoids overlapping external rules that disregard local knowledge.
- **Use rights (art. 4).** No project may create exclusion areas or restrict access. Hunting, fishing and subsistence agriculture, traditional cultural and religious practices, authorised forest management, sustainable community tourism and other legally recognised and authorised productive activities are guaranteed.
- **Territoriality (art. 5).** In overlapping areas, the autonomy of each people, the right to choose, cooperation between communities and the prevention of conflicts must be guaranteed.
- **Autonomy and competent bodies (art. 6).** Implementation must respect the autonomy of peoples and the rules of FUNAI (National Indigenous Peoples Foundation), INCRA (National Institute for Colonisation and Agrarian Reform), the state land institutes and the bodies that manage conservation units.
- **Consultation (arts. 7–9).** FPIC is mandatory under ILO Convention No. 169. In programmes, it is carried out through a consultation plan; in projects, through a consultation protocol. In jurisdictional programmes, the plan is approved in governance bodies that include community representatives. Consultation is a continuous process, with training and information, access to information in accessible language and dialogue with management councils and other community bodies.

- **Transparency and legal frameworks (arts. 10–12).** The Access to Information Law and the national policies on payment for environmental services and on genetic heritage apply, along with the Paris Agreement.
- **Publicity (art. 13).** Benefit-sharing and results-sharing agreements, whether economic, social or environmental, must be disclosed in plain language, except for information justifiably confidential.
- **Contracts (arts. 14–16).** They must be signed with legal entities authorised in Brazil, with judicial venue as close as possible to the community. They must take into account cultural and socio-economic specificities, rules of public and private law, and review and termination clauses.
- **Independent advisory support (arts. 17–18).** Private projects must guarantee resources for independent technical and legal assistance. Communities must have access to risk studies and socio-economic feasibility studies in accessible language.
- **Inclusion (art. 19).** Women, young people and older people must have guaranteed participation in consultation processes, decision-making spaces, management and training actions, and economic autonomy projects.
- **Monitoring and partnerships (arts. 20–21).** Public bodies and community entities must monitor implementation, oversee it and propose improvements. There is room for partnerships with civil society and with CONAREDD+.
- **Ombudsman offices (art. 22).** They must receive complaints and grievances about programmes and projects, preferably led by representatives appointed by the communities themselves.
- **Accessible language (art. 23).** Documents, contracts and reports must be drafted clearly and, where necessary, translated into simplified versions.
- **Protection of defenders (art. 24).** Programmes and projects must have specific protocols to protect human rights defenders, communicators and environmentalists during FPIC.
- **Entry into force (art. 25).** The resolution took effect on the date of publication, in August 2025.

Obstacles that appear in practice

Dr Godofredo listed concrete potential obstacles to FPIC in the Brazilian Amazon. They help explain why consultation often goes wrong, even when everyone believes in it.

- **Information asymmetry.** Carbon projects involve complex technical calculations, such as avoided emissions, and contracts lasting 30 to 50 years. Without translation into the reality of the communities, they cannot assess risks and benefits.
- **Land fragility.** Without formal titling or demarcation of Indigenous lands, quilombola territories and the territories of traditional communities, these populations' bargaining power diminishes, and intermediaries emerge who negotiate without collective consent. Godofredo highlighted this problem in the voluntary market, especially in Pará.
- **Incomplete representation.** Sometimes the mistake is made of consulting only individual leaders or formal associations, ignoring the communities' own rites of collective decision-making. He cited the Gaviões, in Pará, who have no single leader: financial disagreements led to the formation of new villages. In the 1970s, the passage of high-voltage transmission lines through the territory caused great difficulties for the implementation of projects.

- **Incompatible timelines.** Developers may impose quick deadlines that do not respect the community's time for reflection. For Godofredo, there is a structural imbalance of power between corporations and local populations, and the problem is also cultural.
- **Regulatory gaps.** The lack of consolidated state rules, especially in the voluntary market, creates legal uncertainty and opens room for violations of safeguards. Godofredo said that the country is now overcoming this stage.
- **Contamination by the voluntary market.** For the prosecutor, this may be the issue that most harms REDD in the Amazon. Some voluntary-market activities violate basic principles and, in frontier regions, criminal groups are beginning to control associated illegal activities. When a jurisdictional project is presented with the State's endorsement, part of the public associates the programme with these mechanisms. There are serious projects in the voluntary market, but bad ones contaminate the process as a whole.
- **Territorial complexity.** The Brazilian Amazon holds 430 of the country's 728 Indigenous lands, corresponding to about 98.5% of the area of these lands. The IBGE Census showed that the population declaring itself Indigenous in the Brazilian Amazon rose from 383 thousand people in 2010 to 867 thousand in 2022, an increase of 51.25%. Defining who must be consulted, in this scenario, is a challenging task.

For this reason, Godofredo warned that this decision should not be confused with the licensing of a conventional development project. A port, a hydroelectric plant or a mine affects a fixed geographic point. A jurisdictional policy acts in a territory of continental scale, where highly differentiated communities coexist, with diverse cultural levels and plural perspectives.

The Pará pathway

To show how this works in practice, the Deputy Secretary for Water and Climate of Pará, Renata Nobre, presented the state's process. She warned that, to reach the consultation stage, the state had to prepare itself.[38]



Figure 15 Renata Nobre, Deputy Secretary for Water and Climate Management of the State of Pará.

Renata noted that, viewed only through the commercial lens of carbon assets, REDD seems simple to achieve. It is not. Generating high-integrity credits requires immense preparation. In her view, even if the programme did not succeed, Pará would already have gained from it: unprecedented training, engagement and cooperation among institutions, and between government and traditional communities.

This rapprochement has been built since the State Climate Change Policy (PEMC), established in 2020. Ten years ago, according to the Secretary, the relationship with organised civil society and representative networks simply did not exist. For her, REDD is a public policy that opened institutional pathways that no other policy had opened.

Renata acknowledged that the programme has often sparked discussion. Secretary Raul Protazio had already said that morning that the state erred in not holding more educational levelling sessions. For her, this is the price of pioneering: there were no ready-made rules or standards for the preparatory phase. An international standard exists for generating and auditing credits at the point of origin, but there was no standard for preparatory governance. Questions remained open, such as: how to conduct FPIC, how to structure the seats, how many chairs are needed, and what is feasible under the so-called "reserve of the possible" (the principle that public budgets are finite) of public administration.

The Secretary highlighted three points: planning a prior consultation for a public policy is already new in Brazil, and jurisdictional REDD+ is, more than other policies, held to this standard to an extreme degree; Pará's scale is colossal; and the diverse forms of social organisation require adjustments in approach.

Scale, logistics and self-determination

Scale is the first challenge. Pará is so large that, by the Secretary's comparison, Portugal, Spain and France together would fit inside it. Entire countries that generate REDD+ credits, such as Costa Rica and Ghana, are smaller than the state.

Logistics are the second. For some consultations with Indigenous peoples, the team takes a flight to Sinop, in Mato Grosso, then a bus journey of about ten hours to Pará and then two outboard boats (*voadeiras*), crossing rapids, until reaching the village. As the Secretary summed up, it is not possible to hold FPIC in a state with a road network and continuous Wi-Fi signal.

The third challenge is the diversity of decision-making forms. International guidelines often require gender parity, such as 50% women, or youth quotas. Communities, however, respond with self-determination. Renata recorded a phrase she had heard: "do not come from outside to tell us how we should organise ourselves". In one village there is traditional chieftaincy (*cacicado*); in another, decisions are taken in a large community assembly. The challenge was to balance external requirements with respect for the autonomy of peoples.

Public policy is not a development project

Public policy does not invade anyone's home or territory: it only reaches those who voluntarily wish to access it.

— RENATA NOBRE, DEPUTY SECRETARY FOR WATER AND CLIMATE MANAGEMENT OF THE STATE OF PARÁ.

Renata drew a distinction between two situations. A construction project, which undergoes an Environmental Impact Assessment (EIA) and Environmental Impact Report (RIMA), has known direct impacts before the decision. A jurisdictional policy, however, has no fixed point of impact: it reaches only those who decide to join. This

comparison does not eliminate the policy's possible territorial effects, nor does it dispense with free, prior and informed consent when a legislative or administrative measure is likely to directly affect the peoples concerned, under ILO Convention No. 169.

In jurisdictional REDD+, communities that wish to develop private projects in the voluntary market keep that freedom, with the single prohibition that there be no double counting. Most of Pará's territories, however, are not viable for the voluntary market, because private projects seek areas of high deforestation pressure in order to prove additionality. The jurisdictional policy exists to correct this distortion and extend the benefits of conservation to the whole state.

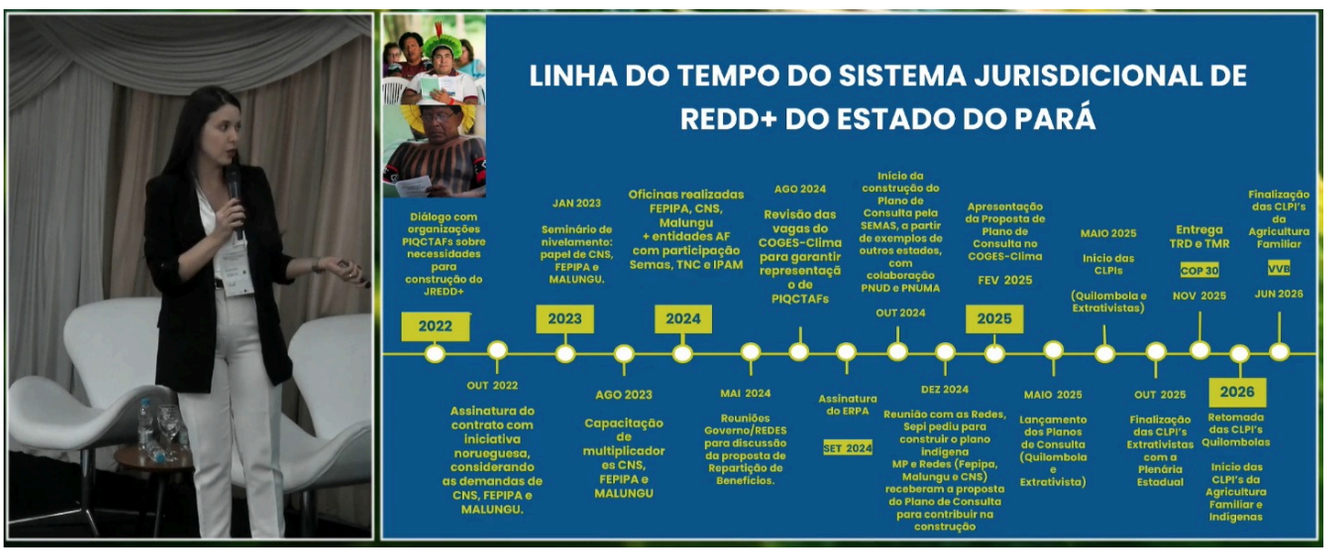


Figure 16 Timeline of Pará's Jurisdictional REDD+ System

Pará's pathway, step by step

2022 · Preparation. Cross-sectoral working groups were created, and community representatives were trained before the state technical staff, because their contribution was the most urgent.

2023 and 2024 · Field levelling. Some people confused these rounds with formal consultation. The state clarified that they were preliminary workshops to design the Consultation Plan together and gather the first demands for the draft law and for the benefit-sharing axes. These listening sessions revealed real needs: extractivists from the north asked for support with certification and transport of fish, and communities in the south prioritised equipment and training for fire brigades.

2025 · Consultation Plan. The plan was agreed and published for extractivists, quilombola communities and family farmers. The Indigenous segment asked for more time to validate translations into mother tongues and adapted visual material, and the request was granted.

2025 and 2026 · Formal consultations. There are 48 in-person consultations in regional hubs: 17 with quilombola communities, 6 with extractivists, 7 with family farmers and 18 with Indigenous peoples. This is followed by four integrating assemblies and a Final Forum for agreement.

Renata placed the work within the regulatory framework. CONAREDD+ Resolution No. 19 of 2025 came to consolidate these guidelines, harmonising practices that Pará was already carrying out.

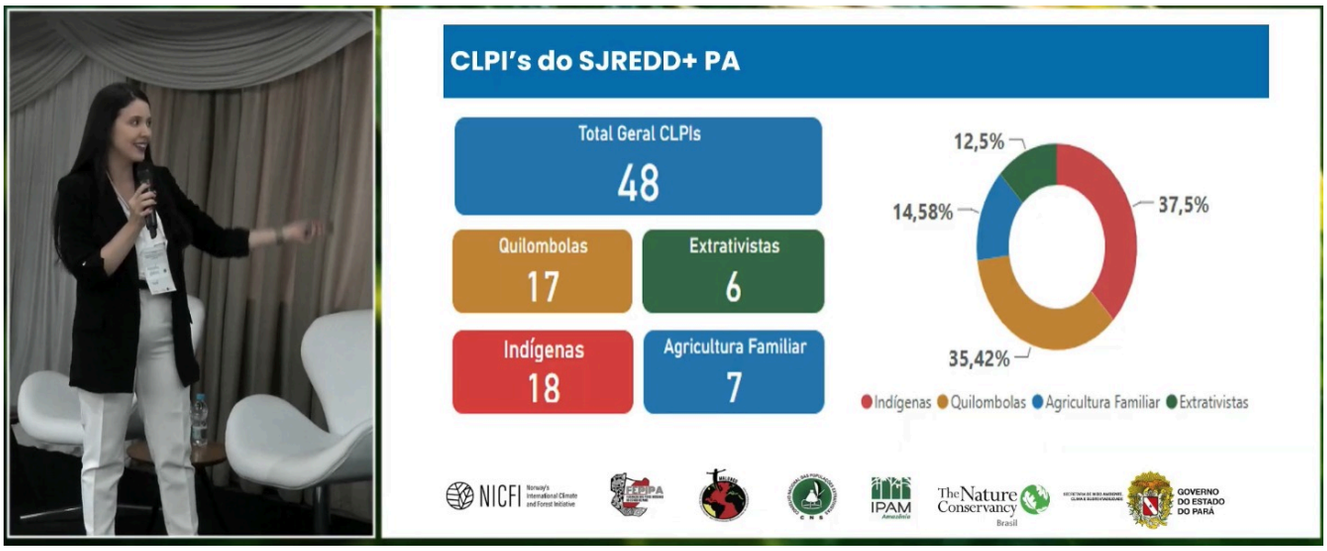


Figure 17 Number of FPIC processes planned. After this, there will be four assemblies and a final forum to agree on benefit-sharing, to be discussed by all.

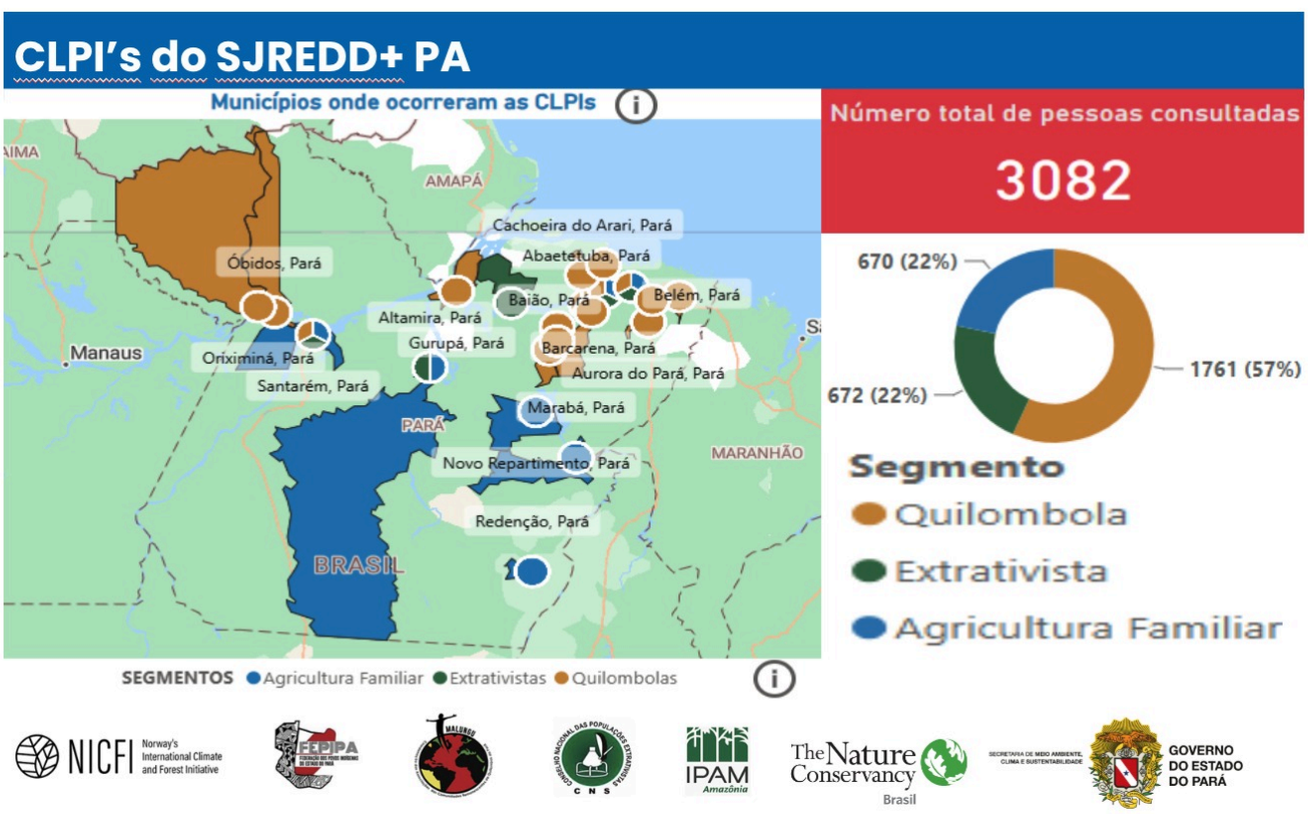


Figure 18 Map of where the consultations have taken place so far (note that some communities chose to meet at certain hubs, so the territorial reflection is somewhat broader). Logistics were chosen by the communities.

The regional hubs were chosen by the communities themselves. For example, the consultation with extractivists of Marajó Oriental took place in Breves, bringing together leaders from Gurupá, Anajás, Afuá, Portel, Ponta de Pedras and Oeiras do Pará. Logistics, food and venue were defined by the community members themselves and made possible by the State.

How the consultation is conducted

Three items were put to deliberation: the draft bill for the jurisdictional system; the governance and benefit-sharing structure; and the detailing of community investment demands. In other words, consultation is not reduced to a "yes" or "no", and can accompany the design of the policy itself.

The methodology is the most notable point. The government team presents the proposals, clarifies doubts and withdraws completely from the room, so that the communities can deliberate in exclusive and autonomous time. Some deliberate over two days; others ask for more time or take the proposal away for later consideration.

The Secretary recalled that the SBCE safeguards, including the right to withdraw at any time, are guaranteed in the legal text.

In the Indigenous case, the work consisted of visual facilitation and conceptual translation, to distinguish clearly between the public programme and private contracts in the voluntary market. According to Renata, many Indigenous people reported that, had they received this information earlier, they would not have signed "one-sided" (*leoninos*) contracts with private intermediaries.

One episode shows the care required. Indigenous people asked for confidentiality regarding the villages' schedules, for security reasons. The Secretariat granted the request and explained the situation to the Public Prosecutor's Office. Transparency and protection can go together, provided the oversight body knows what is being protected.

Three ideas that prevent confusion

- **FPIC is a process, not an event.** What works is a sequence: information, community deliberation and feedback.
- **"Prior" means before the crucial decision**, not before the first idea. If the consultation concerns a draft law, it must take place before the final version.
- **Preparation is not consultation.** Levelling rounds inform, but the decision to consult is a separate step.

> **To remember:** Existing governance should be used wherever possible to validate the consultation plan. A procedure created within a legitimate body carries more weight than one created afterwards, case by case.

34 SANTOS, José Godofredo Pires dos. "Purpose of the meeting and presentation of the methodology". In: WORKSHOP DIALOGUES ON GOVERNANCE AND LEGAL CERTAINTY OF REDD+ PROGRAMMES OF THE BRAZILIAN AMAZON, 2026, Brasília. Oral presentation, 22 Jul. 2026.

35 INTERNATIONAL LABOUR ORGANIZATION. Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries. Geneva: ILO, 1989.

36 NATIONAL REDD+ COMMISSION (CONAREDD+). Resolution No. 19, of 2025. Brasília, DF, 2025.

37 NATIONAL REDD+ COMMISSION (CONAREDD+). Resolution No. 19, of 2025. Brasília, DF, 2025.

38 NOBRE, Renata. "FPIC: the experience of Pará". In: WORKSHOP DIALOGUES ON GOVERNANCE AND LEGAL CERTAINTY OF REDD+ PROGRAMMES OF THE BRAZILIAN AMAZON, 2026, Brasília. Oral presentation, 22 Jul. 2026.

CHAPTER 7

07 Benefit-sharing: where the programme reaches the territory

Who receives, how much do they receive, and how do we know the money arrived?

Why benefit-sharing matters

The Acre Secretary for the Environment, Leonardo Carvalho, presented the experience of a state with more than ten years of trajectory in jurisdictional REDD. He started from a definition: benefit-sharing is the process by which resources arising from payments for results, donations or the sale of credits are allocated to local stakeholders. This process rewards past contributions to conservation and encourages future contributions to the continuous reduction of deforestation.[39]



Figure 19 Leonardo Carvalho, Secretary for the Environment of the State of Acre.

For the manager, benefit-sharing is not an accounting detail. When it is transparent and inclusive, it broadens participation and reduces social conflict. Without it, the programme becomes nothing more than the filling in of spreadsheets and reports.

Benefit-sharing is what gives the programme social and legal legitimacy and makes it reach the territory.

— LEONARDO CARVALHO, SECRETARY FOR THE ENVIRONMENT OF THE STATE OF ACRE.[40]

Without benefit-sharing that is perceived as fair, the marketing of credits with integrity becomes difficult. The buyer asks who receives, the investor asks whether the money arrives, and the community asks why it should accept the programme. Benefit-sharing is where these three questions meet.

Leonardo drew an important distinction. The jurisdictional programme operates at a broad territorial scale, unlike a private project with a restricted scope. Benefit-sharing can take place in two ways: **through direct intervention in the territory**, with payments to families and communities, **or indirectly**, through structuring public policies and subsidies for sustainable production. Defining objective and legally sound criteria for this sharing is, in his view, the topic that most requires dialogue between the states and the oversight bodies.

At the international level, benefit-sharing is treated as a normative requirement to protect the rights of Indigenous peoples and traditional communities. High-integrity standards, such as ART/TREES, the World Bank's FCPF and Verra, and the Integrity Council for the Voluntary Carbon Market (ICVCM), require publicly accessible and agreed benefit-sharing plans. In Brazil, the strategy connects to the National Policy on Climate Change, the Paris Agreement and deforestation control plans, such as the PPCDAm (Action Plan for the Prevention and Control of Deforestation in the Legal Amazon) and the state plans.

Flow and stock: two criteria

Acre combines two criteria (in the stock-flow approach), and this combination is, according to Leonardo, the main technical lesson of the panel. The starting point is a natural conflict of interests: in consultations, each segment tends to defend what it holds. Indigenous peoples argue that they hold the largest continuous stocks of standing forest. The voluntary market, in turn, has historically rewarded the reduction of the deforestation flow, that is, emissions avoided under pressure.

- **Flow criterion:** rewards the effective reduction of deforestation and mainly benefits family farmers, settlers and producers in areas under pressure.
- **Stock criterion:** values those who preserve vast expanses of native forest, such as Indigenous lands and riverside and extractive communities.
- **Programmatic stock-flow approach:** combines the two criteria with the sectoral targets of the existing state public programmes.

Leonardo also mentioned the TFFF (Tropical Forests Forever Facility), an initiative of the Brazilian government that seeks to reward precisely the conservation of forest stocks.

As the market usually pays for flow, Acre's combination seeks to balance two requirements: fairness to those who have preserved over time, and climate effectiveness, which depends on recent reductions.

The sharing agreed in 2024 and 2025

Sharing is not a fixed formula. In the first REM contract, in 2012, 70% went to direct beneficiaries on the ground and 30% to institutional strengthening. In the second, the proportion moved to 90% and 10%. In the second phase, it returned to 70% and 30%, distributed among programmes for Indigenous territories, family production

and diversified livestock and agriculture.



Figure 20 Forum after the last consultation, at which the final negotiations on benefit-sharing for Acre's jurisdictional programme were held. The result was legitimised by state government decree, to ensure institutional standing. Image taken from the slides of Secretary Leonardo Carvalho.

In the current division, after a forum was held:

- **28% for the State of Acre:** governance, monitoring (MRV) and programme operation.
- **22% for Indigenous peoples:** territorial management, monitoring and sociocultural projects. Previously, the share was 12%.
- **26% for extractive populations:** sociobiodiversity chains and community strengthening.
- **24% for rural family production:** farmers and settlers, with agroforestry systems and bioeconomy.

HOW THE UPDATE WAS MADE

The update took place between 2024 and 2025, with financial support from the governments of Norway, the United Kingdom and Germany, and with the participation of SEMA, SEPI and IMC. Leonardo Carvalho, Acre's Secretary, described the change as an evolution, not a rupture. It was justified because the previous strategy was more than ten years old and because the IBGE Census showed growth of almost 80% in the Indigenous population of Acre. Leaders formalised this request at the 1st Indigenous Forum on Climate Change.

THE FINAL NEGOTIATION

The last round revolved around 1%. Indigenous peoples asked to raise the share from 12% to 22%, but the original equation allowed only 21%. The extractive segment and the State representation each gave up 1%, by agreement. The result was 22% for Indigenous peoples, the largest percentage growth in the series, 26% for extractivists, 24% for family farmers and 28% for the State. According to Leonardo, each segment deliberated in separate rooms, after integrated workshops and joint technical levelling.

FORMALISATION AND REVIEW

The sharing was consolidated by state decree, and not by ordinary law. According to Leonardo, the decree provides immediate legal certainty and allows for revisions. The guideline is to review the sharing every five years.

GOVERNANCE AND INSTRUMENTS

Governance runs through the State Validation and Monitoring Commission (CEVA) and thematic chambers, which approve the operational plans. As an innovation, a Susceptibility to Deforestation and Forest Degradation Index was created, a risk map showing where the forest is most exposed, which guided the new coefficients. The next challenge is to detail the management of resources on the ground, with annual, public and audited accountability.

Questions that still have no answer

At the end, the Secretary left four open questions for the afternoon tables. They arise in any benefit-sharing design, so they serve as a guide for other states.

- **Objective distribution criteria.** How can the sociocultural criteria for beneficiaries be balanced with the territorial criteria provided for in the federal SBCE law? The law focuses on land ownership and remaining vegetation, which does not always align with the logic of encouraging the reduction of the deforestation flow in a jurisdictional programme.
- **Legal nature of the assets.** How can the agility and competitiveness of the international credit market be reconciled with the public-law regime that governs the assets and state-owned companies that will receive the resources?
- **Flow of resources to the ground.** What arrangements and financial instruments ensure that resources reach isolated communities in the Amazon quickly and transparently?
- **Equity within each segment.** Even with 22% for Indigenous peoples, some ethnic groups and villages are far better structured than others. The Territorial and Environmental Management Plans (PGTAs) need to address the most vulnerable communities with substantive equity.

> **To remember:** Clear criteria, parity-based governance and accountability are what make benefit-sharing acceptable. Benefit-sharing perceived as unfair jeopardises even the sale of credits with integrity.

39 CARVALHO, Leonardo. "Benefit-sharing and the experience of Acre". In: WORKSHOP DIALOGUES ON GOVERNANCE AND LEGAL CERTAINTY OF REDD+ PROGRAMMES OF THE BRAZILIAN AMAZON, 2026, Brasília. Oral presentation, 22 Jul. 2026.

40 CARVALHO, Leonardo. "Benefit-sharing and the experience of Acre". In: WORKSHOP DIALOGUES ON GOVERNANCE AND LEGAL CERTAINTY OF REDD+ PROGRAMMES OF THE BRAZILIAN AMAZON, 2026, Brasília. Oral presentation, 22 Jul. 2026.

CHAPTER 8

08 The afternoon at tables

What happens when prosecutors and managers discuss side by side?

The afternoon was not a lecture. There were three major tables, one for each theme: benefit-sharing; free, prior and informed consent (FPIC); and safeguards and transparency. Each participant had a home table and, in rounds of about 30 minutes, moved around the others to carry and connect ideas.

The facilitators, who opened each debate with guiding questions, also moved between the tables. Thus the themes intersected and no discussion remained isolated. The aim was not to reach consensus on everything, but to identify where there is understanding, where disagreements persist and which paths can be built together.



Figure 21 Slide with the instructions for the debate dynamic



Figure 22 Dynamics of the tables.

Below is a summary of what was discussed at each table.

Benefit-sharing table

Sharing the benefits means deciding how the programme's money, which comes from emission reductions, will be divided across the territory. At the table, the main reference was the stock-flow model. The stock is the carbon the forest stores at a given moment, that is, the standing forest. The flow is the emission reduction measured against the reference level, which is the line of what would have been emitted without the programme. The model combines the two measures, and the discussion turned to population criteria, that is, how many people each share must reach.

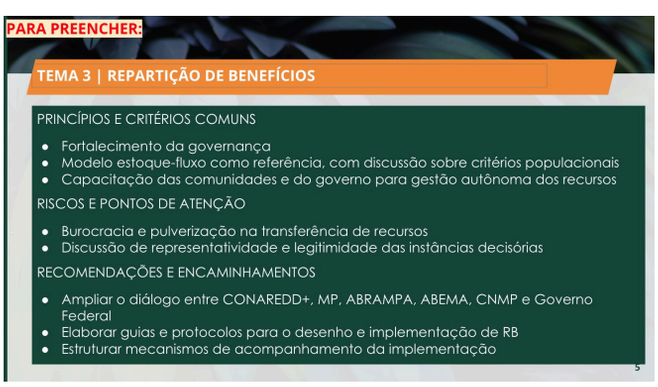




Figure 23 Reading out the conclusions on benefit-sharing by Secretary Leonardo Carvalho, of Acre.

There was also emphasis on the need to strengthen governance and to build the capacity of communities and government to manage resources autonomously. Two risks were identified: bureaucracy and fragmentation, when resources are split into so many small parts that none has an effect; and the legitimacy of the bodies that decide on the division.

POINTS OF CONVERGENCE

- Strengthening of governance.
- Stock-flow model as the reference, with discussion of population criteria.
- Capacity-building for communities and government for the autonomous management of resources.

ISSUES AND DISAGREEMENTS

- Bureaucracy and fragmentation in the transfer of resources.
- Representativeness and legitimacy of the decision-making bodies.

RECOMMENDATIONS AND NEXT STEPS

- Broaden dialogue among CONAREDD+, the Public Prosecutor's Office, ABRAMPA, ABEMA, CAL, CNMP and the Federal Government.
- Prepare guides and protocols for the design and implementation of benefit-sharing.
- Set up mechanisms to monitor implementation.

> **Summary message of the table:** *"Benefit-sharing requires a robust governance structure, capable of ensuring that resources are distributed fairly and transparently, based on the criteria established by each jurisdictional REDD+ programme. For resources to reach the intended beneficiaries, the participation of the Public Prosecutor's Office and of oversight bodies must be included."*

Free, prior and informed consent table

FPIC is the right of Indigenous peoples and traditional communities to be consulted before any decision that affects them, with sufficient information and without pressure. This right is set out in ILO Convention No. 169. At the table, the facilitator recalled that the Convention guarantees the right but does not say how or when consultation should take place. For this reason, the debate turned around two questions: how much detail the rules should have, and who should take part in drafting them.

CONAREDD+ Resolution No. 19 of 2025 separates projects, which follow local consultation protocols, from jurisdictional programmes, which require a consultation plan approved through governance. Part of the table argued for a layer of general norms that harmonise concepts without detailed regulation. Another part feared that the word "procedure" would rigidify consultations that differ from one another. Some remarks from the table:

- ***I am somewhat afraid [...] of this word "procedure" when we talk about FPIC. Because building this process must be done collectively.***

- ***If you do not yet have guaranteed funding, the State will invest a very significant amount to hold the consultations, and that may not be recovered further down the line.***
- ***If there is no established governance, perhaps you establish the governance first. You cannot hold a consultation.***

It was noted that in Amazonas, for example, in carbon initiatives, consultations were held in the management councils of the conservation units and, in the other categories, in meetings with leaders, who opted for consultation in the territory. In other words, the format of the consultation followed the reality of each territory.

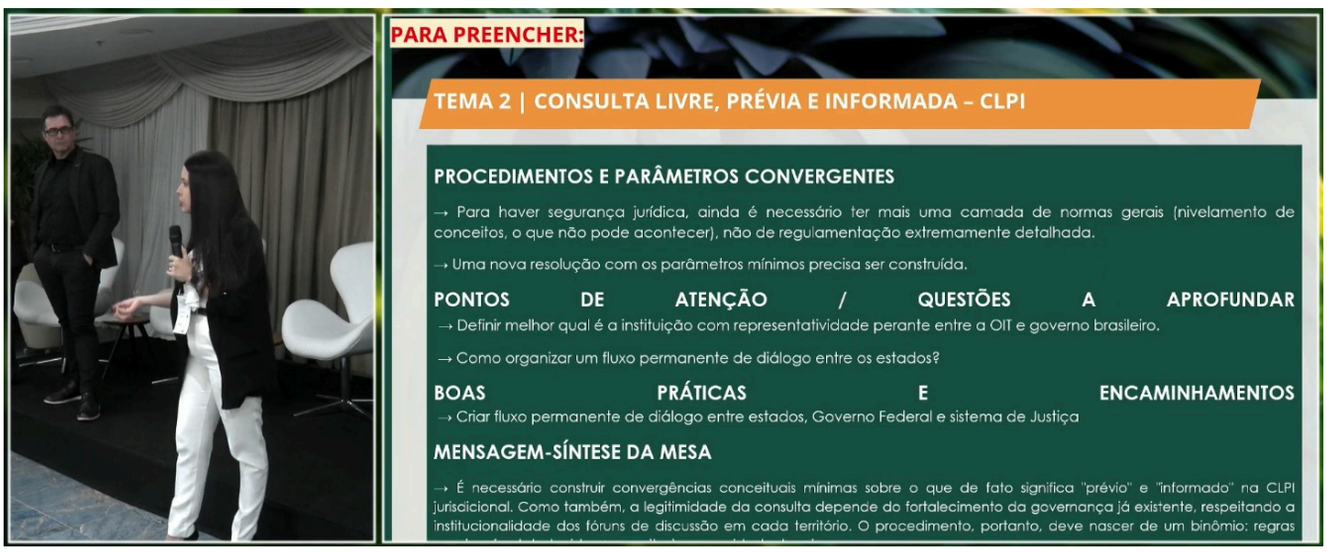


Figure 24 Reading out the conclusions on FPIC by Secretary Renata Nobre.

POINTS OF CONVERGENCE

- A further layer of general norms is needed, to harmonise concepts, rather than extremely detailed regulation.
- A new resolution with minimum parameters needs to be drawn up.
- As voiced at the table: the process must be built collectively, in a participatory environment that represents the peoples.

ISSUES AND DISAGREEMENTS

- Defining which institution has standing before the ILO and the Brazilian government.
- How to organise a permanent flow of dialogue among the states?
- As voiced at the table: consulting without guaranteed funding may generate a cost that cannot be recovered, and consultation creates expectations that are not always fulfilled.

RECOMMENDATIONS AND NEXT STEPS

- Create a permanent flow of dialogue among the states, the Federal Government and the justice system.

Summary message of the table: *It is necessary to build minimum conceptual convergence on what "prior" and "informed" truly mean in jurisdictional FPIC. Likewise, the legitimacy of consultation depends on strengthening existing governance, respecting the institutional framework of the discussion forums in each territory. The procedure, therefore, must rest on a two-part basis: pre-established general rules plus respect for local needs.*

Safeguards and transparency table

Safeguards are conditions that the programme must meet to protect rights, people and forests. At the table, the focus was transparency. It must be active, that is, information reaches those affected without them having to look for it, and multimodal, that is, available in several formats and channels. The ombudsman office, the formal channel for registering complaints with a response and a record, was identified as the entry point for safeguards.

A central question also arose: what is the legal nature of consultation, and at what moment it should take place. Put simply, consultation may be impeding, where, without agreement, the measure does not proceed; or dialogic, where the State informs and dialogues but may decide even without consensus. This definition has not yet been settled.

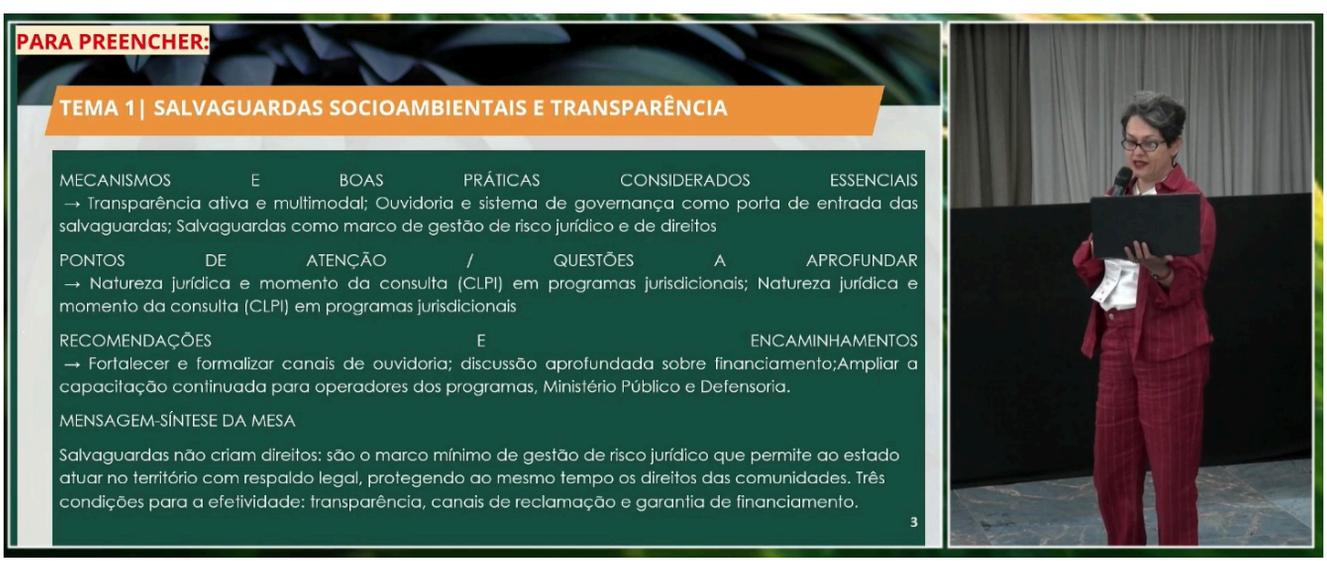


Figure 25 Reading out the conclusions on safeguards by researcher Marília Oliveira, of IPAM.

POINTS OF CONVERGENCE

- Active and multimodal transparency.
- Ombudsman office and governance system as the entry point for safeguards.
- Safeguards as a framework for managing legal and rights-related risk.

ISSUES AND DISAGREEMENTS

- Legal nature and timing of consultation (FPIC) in jurisdictional programmes.

RECOMMENDATIONS AND NEXT STEPS

- Strengthen and formalise ombudsman channels.
- Deepen the discussion on financing.
- Expand ongoing training for programme operators, the Public Prosecutor's Office and the Public Defender's Office.

> **Summary message of the table:** *Safeguards do not create rights: they are the minimum framework for managing legal risk, allowing the State to act in the territory with legal backing while protecting the rights of communities. Three conditions for effectiveness: transparency, complaint channels and guaranteed funding.*

CHAPTER 9

09 What the day left behind

If someone read only one page of the workshop, what should they read?

At the end of the day, the consolidation document brought together the messages from the three tables:[41]

Benefit-sharing. Sharing requires robust governance, technical criteria defined before the division, and monitoring by the Public Prosecutor's Office and oversight bodies. The central concern is that fragmentation and bureaucracy may prevent resources from reaching those who should receive them.

Free, prior and informed consent. There is minimal conceptual convergence on the "prior and informed" character, with general benchmarks and respect for territories. The risk is the tension between national standardisation and the flexibility that the federal pact requires.

Socio-environmental safeguards. Safeguards do not create new rights, but give the State legal backing. Their effectiveness depends on inclusive governance, continuous transparency and predictable financing. The weak point identified is the limited culture of formally recording complaints, which currently circulate more through informal channels.

Proposals that emerged during the day and need someone to take them forward:

- **Institutional channels for the participation of the Public Prosecutor's Office in REDD+ bodies, as an invitee or observer without voting rights, on the model of CONAMA (Decree No. 99,274/1990, art. 5-A, § 1), while preserving functional independence, constitutional responsibilities and the absence of co-management, for dialogue and conflict prevention.**[42]
- **Ongoing and decentralised training, with online modules of 30 to 40 minutes followed by debate, for prosecutors and attorneys in the interior.**
- **Half-yearly, travelling meetings, in hubs such as Brasília, Cuiabá and Belém.**
- **Technical guides with minimum parameters on benefit-sharing and on the concept of "prior" in jurisdictional FPIC, distinguishing consultations on public policies from consultations on projects.**
- **Costs of consultations and ombudsman offices built into planning and budgeting. The ombudsman office is the formal channel for registering complaints about the programme, with a response and a record.**

- **A technical product recording the debates in a paper, booklet or e-book, under the mutual presumption of good faith between managers and prosecutors.**

41 WORKSHOP DIALOGUES ON GOVERNANCE AND LEGAL CERTAINTY OF REDD+ PROGRAMMES OF THE BRAZILIAN AMAZON. Consolidation document of the synchronous contributions and of the round tables. Brasília, 2026. Read at the final plenary session.

42 BRAZIL. National Environment Council (CONAMA). Composition and operation. Brasília, DF: MMA, [n.d.].

CHAPTER 10

10 Nine lessons to remember

If you could take only nine ideas to your work, what would they be?

Each lesson carries its central idea in bold, followed by the explanation. They can be read independently, but together they describe what the day taught about the process.

01 **REDD+ brings together instruments with distinct natures and requirements.** Jurisdictional programmes and carbon projects are not equivalent: they differ in scale of action, governance, measurement methods and verification rules. In jurisdictional programmes, environmental integrity depends on consistent criteria for the whole territory, monitoring and verification mechanisms, and compatibility with international safeguard standards.

02 **The choice between donation and commercial transaction changes the legal and operational requirements.** When payment becomes a transaction, title, CNPJ, capital-market regulation and fiscal responsibility come into play.

03 **Legal certainty arises from clear rules and verifiable governance.** Parity-based bodies, approved plans and transparency prevent conflicts better than an isolated rule.

04 **Safeguards manage risk and protect rights.** They do not create rights, but ensure that the programme does not cause harm.

05 **FPIC requires participation throughout the process.** Information, deliberation and feedback must take place before the crucial decision, and not only before the first idea.

06 **Public policy is not a construction project.** The experience of one specific development project does not replace a diagnosis of the environmental, social and institutional conditions of an entire territory. Formulating jurisdictional programmes requires considering the different local realities, existing public policies, ongoing initiatives and the mechanisms needed to coordinate action at different scales.

07 **The participation of the Public Prosecutor's Office should begin in the programme's structuring phase.** Monitoring from the earliest stages makes it possible to identify legal risks, question governance gaps and contribute to preventing conflicts before decisions are consolidated.

08 **Communication is part of the policy.** Communication must allow communities, managers and other interested parties to understand how the programme works, follow its implementation and know where to seek clarification or raise questions.

09 **Consultation costs money and must be in the budget.** Planning in the PPA (multi-year plan) and the LOA (annual budget law), together with predictable funding, are conditions for the process to continue. The capacity to correct problems during implementation is an essential part of the initiative's integrity and sustainability.

CHAPTER 11

11 Points that need further elaboration

Where do the justice system and the states still need to reach common understanding?

The dialogue identified questions that require specific follow-up to make the implementation of the programmes viable, especially regarding the application of existing rules, the definition of institutional responsibilities and the structuring of financing and control mechanisms. The points below organise these demands according to their nature and indicate topics to be explored at the next meetings.

Concepts

Which requirements and procedures should guide the conduct of consultation, according to its nature and the context of the initiative, so as to ensure compliance with the applicable legal requirements?

In territorial public policies, what is the "prior" moment of FPIC?

Which procedures should guide the identification and participation of traditional peoples and communities, including quilombola communities, where formal recognition has not been completed, in accordance with the applicable rules and the rights guaranteed?

Financing and control

Who pays for consultation, and how should it be included in the PPA and the LOA?

Public or private fund in the public interest: which model offers agility without weakening control?

How can the SBCE's asset-based criteria be harmonised with the performance logic of REDD+?

How can agile intermediation be made viable without breaching public-law rules and fiscal responsibility?

How can the Public Prosecutor's Office monitor benefit-sharing without creating bottlenecks?

Territory and rights

How can benefit-sharing, or overlapping CAR registrations, be prevented from legalising the occupation of undesignated public lands?

How should inequality within the same segment be addressed, between communities close to cities and isolated communities?

How can it be guaranteed that Indigenous peoples and traditional communities receive information in their own time and through their own channels?

Governance

Which federal government body will respond to the ILO on Convention No. 169?

Which institutional mechanisms can ensure the participation of the Public Prosecutor's Office in REDD+ governance bodies?

How can dialogue be kept alive between meetings, through a travelling calendar?

CLOSING

Continuing the dialogue

What remains once the chairs have been cleared away?

The day has ended, but the conversation continues. This publication should serve as a starting point: for those who work in the Public Prosecutor's Office, for those who formulate policy in the states, and for those who follow the building of these programmes from outside.

- Read the chapter that matters to your work and bring the questions from Chapter 11 to the next meeting.
- Identify, in your state, who already takes part in REDD+ bodies and who could be invited to take part.
- Record the doubts that arise, because they are the material for the next meetings.



Figure 26 Participants of the 1st Workshop on Dialogues on REDD+

Acknowledgements

This booklet exists because the dialogue took place. We thank the Brazilian Association of Public Prosecutors for the Environment (ABRAMPA) and the National Council of the Public Prosecutor's Office (CNMP), which acted as co-organisers of the workshop and turned a legal concern into a joint working agenda.

To the Amazon Environmental Research Institute (IPAM), an essential partner in building this dialogue event.

To the states of the Brazilian Amazon, our recognition of the involvement of their environmental secretariats, attorney general's offices and oversight bodies. It was this presence that gave the debate the perspective of those who implement the programmes on the ground.

A special thanks to the people present at the workshop, in Brasília, on 22 July 2026: speakers and participants. They brought questions, experiences and doubts, and it is from these that this material was organised.

To readers, thank you for the time you have devoted to this publication. May it help each of you play your part, in your state, in your institution and in your territory.

Glossary

Terms used throughout the booklet, in alphabetical order. The definitions are of general use in the debate and do not replace the law or the official documents cited in the references.

ART/TREES
international standard for certifying jurisdictional REDD+ programmes (acronym for Architecture for REDD+ Transactions and The REDD+ Environmental Excellence Standard). It requires independent verification and compliance with socio-environmental safeguards.

Benefit-sharing
division of the resources generated by the programme among the beneficiary segments, according to criteria defined in advance.

CAR (Rural Environmental Registry)
mandatory electronic registration of rural properties, with information on the vegetation and protected area of each property.

Carbon credit
a unit representing one tonne of greenhouse gas reduced or removed from the atmosphere, measured, verified and registered.

CONAREDD+
National REDD+ Commission, the federal governance body for the subject, within the Ministry of the Environment and Climate Change.

CRVE (Certificate of Verified Emission Reduction or Removal)
regulated-market asset provided for under the SBCE.

FPIC (Free, Prior and Informed Consent)
the right of Indigenous peoples and traditional communities to be consulted before decisions that affect them, without coercion, with sufficient information and in time to influence the decision.

Functional independence
guarantee that members of the Public Prosecutor's Office act without subordination to other members of the institution in the exercise of their functions. It coexists with the principle of institutional unity, which guides the action of the Public Prosecutor's Office as a whole.

ILO Convention No. 169
international treaty on Indigenous and tribal peoples in independent countries, ratified by Brazil. It is the basis of the consultation obligation.

ITMO (Internationally Transferred Mitigation Outcome)
mitigation outcome transferred between countries under a corresponding adjustment, provided for in Article 6 of the Paris Agreement.

Judicialisation
taking to the courts a conflict that could have been dealt with administratively or through negotiation.

Jurisdictional (programme)
REDD+ applied to a broad territory, such as a state or a country, rather than to an isolated project area.

Land grabbing (grilagem)
illegal appropriation of public land, often supported by false documents or overlapping registrations.

Legal certainty
predictability of rules and respect for rights, which allows everyone to plan and invest with confidence.

Legal nature of consultation
the effect that consultation has on the decision. Four categories are under debate: impeding (without agreement, the measure does not proceed), restrictive, permissive and dialogic (the obligation is to dialogue, without requiring agreement).

Payment for Environmental Services (PES)
remuneration for conservation, restoration or reforestation actions, provided for in Law No. 14,119 of 2021.

PGTA (Territorial and Environmental Management Plan)
instrument prepared by Indigenous peoples and traditional communities to organise the use and protection of their territories.

Readiness (preparation)
preparatory phase of REDD+, in which governance, strategy and safeguards are structured before results-based payment.

SBCE (Brazilian Emissions Trading System)
regulated emissions market established by federal law in 2024.

Undesignated public lands
federal or state lands without formal designation, that is, lands that are not conservation units, ratified Indigenous lands, settlements or other official categories.

PPA and LOA
Multi-Year Plan (Plano Plurianual) and Annual Budget Law (Lei Orçamentária Anual), public planning and budgeting instruments.

Safeguards
set of principles and requirements to ensure that REDD+ actions respect rights, biodiversity and governance, in line with the Cancún decisions.

Stock and flow
stock is the carbon stored in the forest at a given moment; flow is the change, that is, how much emission was reduced or removed over a period.

Voluntary market and regulated market
in the voluntary market, companies and individuals buy credits on their own initiative; in the regulated market, the purchase arises from an obligation established by law or regulation.

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