



PERMANENT MISSION OF NORWAY

VN 8/2025

The Permanent Mission of Norway to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and the Special Procedures Branch, and with reference to the joint communication dated November 8th, 2024 (AL NOR 4/2024) , has the honour to submit the response from the Government of Norway.

The Permanent Mission of Norway to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights, the Special Procedures Branch Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 28 January 2025



Office of the High Commissioner for Human Rights,
Special Procedures Branch Office of the High Commissioner for Human Rights
G e n e v a



ROYAL NORWEGIAN MINISTRY OF
CLIMATE AND ENVIRONMENT

Ms. Frederica Donati
Officer in Charge
Special Procedures Branch
Office of the High Commissioner for Human Rights

Your ref	Our ref	Date
AL NOR 4/2024	25/261	21 January 2025

Dear Madam Donati and Special Rapporteurs,

Re: Government of Norway response to the Joint Communication from Special Procedures AL NOR 4/2024

Reference is made to the joint communication dated November 8th, 2024 (AL NOR 4/2024) sent by the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Special Rapporteur on the promotion and protection of human rights in the context of climate change; the Special Rapporteur in the field of cultural rights; the Special Rapporteur on the human right to a clean, healthy and sustainable environment and the Special Rapporteur on extreme poverty and human rights, concerning information you have received on the issuance of carbon credits in Guyana.

We appreciate your attention to this matter. The joint communication was addressed to the Norwegian Minister of Foreign Affairs, Mr. Espen Barth Eide. As the communication concerns a grant funded by the Norwegian Ministry of Climate and Environment, our response is provided by the Ministry of Climate and Environment.

In our response, we will first provide some background information to contextualize Norway's international efforts to reduce emissions from deforestation and forest degradation (REDD+) and our work to safeguard Indigenous Peoples' rights in this context. Then, we will address the specific questions raised in your letter.

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International efforts to reduce emissions from deforestation and forest degradation

Forests are crucial for our planet's health and for human well-being. However, economic pressures and illegal economies threaten forests around the world. Many countries in the Global South are home to carbon- and biodiversity rich forests that provide crucial ecosystem services that benefit both Indigenous Peoples, local communities, and society at large. Tropical forests are highly vulnerable to deforestation. Reducing deforestation and forest degradation of tropical forests is essential for reaching global climate, nature, and sustainable development goals, and to secure the rights of Indigenous Peoples and local communities. In most cases countries have a national interest in keeping their forests intact but cannot bear the costs of delivering this global common good alone, without international partnerships.

The United Nations Framework Convention on Climate Change (UNFCCC) Conference of the Parties (COPs) have agreed that countries should work together to slow, halt, and reverse the loss of forests and carbon in accordance with national circumstances, consistent with the Convention's ultimate objective to stabilize greenhouse gas concentrations to prevent dangerous anthropogenic interference with the climate system. From 2007 to 2013, thirteen UNFCCC decisions were adopted on this matter.¹

Article 6 of the Paris Agreement allows for voluntary cooperation between countries to achieve their nationally determined contributions (NDCs) through carbon markets. This includes the transfer of mitigation outcomes (ITMOs), which can be used by countries or private entities to meet their emission reduction targets. The article 6 negotiations were further advanced during COP29 in November 2024, signifying that the focus will now shift towards the implementation phase of Article 6.

Voluntary carbon markets have been operational for several years. These voluntary transactions enable countries and private entities to purchase carbon credits from efforts that reduce or remove greenhouse gas emissions, including reduced emissions from forests. Whilst these markets are inspired by decisions under the UNFCCC, it is not *one* regulated market. There is not one set of norms, nor one authoritative body setting standards. There are a diverse set of actors involved in all aspects.

¹ [UNFCCC negotiations / REDD+](#)

Reducing Emissions from Deforestation and Forest Degradation (REDD+) is a framework for climate mitigation actions in the forest sector, including reduced emissions from deforestation and forest degradation, conservation of forest carbon stock, enhancement of forest carbon stocks, and sustainable management of forests². The concept of REDD+ was included in the Cancun Climate Agreement from 2010, the Warsaw Framework for REDD+ from 2013³ and is highlighted in the Paris Agreement. The framework stipulates that developing countries can receive results-based payments for emission reductions when they reduce deforestation.

Parties to the UNFCCC have agreed that when undertaking REDD+ activities, a number of safeguards should be promoted and supported⁴. These are referred to as the “Cancun safeguards”, and are as follows:

- (a) That actions complement or are consistent with the objectives of national forest programs and relevant international conventions and agreements.*
- (b) Transparent and effective national forest governance structures, taking into account national legislation and sovereignty.*
- (c) Respect for the knowledge and rights of indigenous peoples and members of local communities, by taking into account relevant international obligations, national circumstances and laws, and noting that the United Nations General Assembly has adopted the United Nations Declaration on the Rights of Indigenous Peoples;*
- (d) The full and effective participation of relevant stakeholders, in particular indigenous peoples and local communities, in the [REDD+] actions;*
- (e) That actions are consistent with the conservation of natural forests and biological diversity, ensuring that the [REDD+] actions are not used for the conversion of natural forests, but are instead used to incentivize the protection and conservation of natural forests and their ecosystem services, and to enhance other social and environmental benefits;*
- (f) Actions to address the risks of reversals;*
- (g) Actions to reduce displacement of emissions.*

Norway was actively involved in the introduction of the Cancun safeguards in 2010 and has contributed to developing social and environmental safeguards within the REDD+ Framework.

² Ref. Decision 1/CP.16

³ [Warsaw Framework for REDD+ / REDD+](#)

⁴ Ref. Appendix 1 Decision 1/CP.16

The Norwegian International Climate and Forest Initiative (NICFI)

Recognizing the urgent need to tackle deforestation, the Norwegian government established the Norwegian International Climate and Forest Initiative (NICFI) in 2008. NICFI's main goal is to reduce and reverse tropical forest loss, to protect climate and biodiversity and advance sustainable development. One key focus has been to mobilize large-scale climate finance to reduce deforestation. To date, the international community has failed to mobilize a sufficient level of finance to adequately address forest loss and encourage forest protection in tropical forest countries.

NICFI partners with tropical forest countries to promote sustainable land use. Improved rights and livelihoods for Indigenous Peoples, and local communities, in tropical forest countries is one of NICFI's seven key strategies⁵⁶. We are a leading global funder in this field, channelling a significant portion of grants directly to rightsholders' own organizations and national NGOs in tropical forest countries relative to other bilateral donors⁷. Indigenous peoples and local communities are included in, and benefit from, many of our other strategic interventions, including our bilateral partnerships and other large-scale interventions. For instance, the Amazon Fund that we support in Brazil has financed the management of more than 100 Indigenous territories. The NICFI Satellite Data Program has provided universal and free-of-charge access to real-time high resolution satellite images. This program has allowed Indigenous Peoples to monitor their own territories, combat forest crime, and bolster law enforcement efforts. Our work on deforestation-free supply chains and finance places significant emphasis on social sustainability and respect for human rights.

NICFI's theory of change is that by rewarding developing countries for their REDD+ efforts we help create an enabling environment for policy and institutional changes. Our vision is to establish a virtuous cycle where policy measures to reduce deforestation, such as securing forest tenure rights for Indigenous Peoples and local communities, are incentivized. In turn, this can lead to further reductions in deforestation and the preservation of forest carbon stocks. Through carbon markets with high social and environmental integrity, both voluntary and regulated, in accordance with the Paris Agreement, such rewards can reach a significant

⁵ [Indigenous Peoples rights and role as forest guardians – Norway's International Climate and Forest Initiative](#)

⁶ [Grants from the Norwegian International Climate and Forest Initiative - regjeringen.no](#)

⁷ [New Online Dashboard Brings Transparency to Climate Finance; Gives Open Access to Funding Data for Indigenous Peoples', Local Communities', and Afro-descendant Peoples' Tenure Rights and Forest Guardianship - Rights + Resources - Supporting Forest Tenure, Policy, and Market Reforms](#)

scale, serving both as an incentive for reducing emissions and a source of funding for sustainable development in line with national priorities in tropical forest countries.

The interest in REDD+ is growing. Norway is one of 15 countries that signed the Forest Climate Leaders partnership (FCLP) statement on forest carbon at COP29 in Baku⁸. One of the goals of this statement is to promote effective inclusion of all stakeholders who live in or depend on forests, including Indigenous Peoples and local communities (IPs and LCs), as partners in national REDD+ processes and market-based approaches. This statement was also signed by Guyana.

Jurisdictional REDD+ and carbon markets

Carbon markets can be a powerful tool to mobilize, unlock, and scale finance for forests. By creating a structure for carbon transactions – either on a regulated or voluntary basis – such markets can attract much needed investments, particularly from the private sector. To achieve the necessary scale of finance, private sector participation is crucial. Many private companies are eager to purchase emission reductions from tropical forests. But for carbon markets to be meaningful and effective incentive structures to reduce forest loss, they must be implemented with strong environmental and social safeguards.

To ensure that REDD+ efforts align with national and international climate objectives, Norway supports national / jurisdictional REDD+ programs. This refers to programs that cover entire jurisdictions such as countries or sub-national states. The jurisdictional approach maximizes impact by addressing deforestation at the systemic level, at scale, and paying for verified emission reductions across whole jurisdictions. Norway promotes this method – as agreed under the UNFCCC – because it gives an incentive to tackle the root causes of deforestation at a policy level, incorporates social and environmental safeguards, and includes robust benefit-sharing plans⁹. It also mitigates the social risks and ensures environmental integrity, which are often concerns in project-based voluntary carbon markets.

This is a key reason for Norway's support for the development of The Architecture for REDD+ Transactions (ART)¹⁰ and its The REDD+ Environmental Excellence Standard

⁸ [COP29-FCLP-FOREST-CARBON-STATEMENT_FINAL-3.pdf](#)

⁹ For more information on NICFI's position on carbon markets, please see our policy brief on the issue published in 2023: [How carbon markets done right help stop deforestation – Norway's International Climate and Forest Initiative](#). (www.nicfi.no/2023/01/27/carbon-markets-done-right/)

¹⁰ [Home - ART Architecture for REDD+ Transactions](#)

(TREES)¹¹, which was created to ensure a global, credible framework for high-quality jurisdictional REDD+ credits. To date, ART is internationally recognised for upholding one of the highest standards for environmental and social integrity in both voluntary and regulated carbon markets. This includes by the UN International Civil Aviation Organisation (ICAO), the International Carbon Reduction and Offset Alliance (ICROA), and the Integrity Council for the Voluntary Carbon Market (ICVCM).

Addressing the questions raised in the joint communication.

Please find specific responses to the four questions raised in the joint communication:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.

The ART was launched in 2019, housed under Winrock International, a US-based non-profit organisation with a mission to empower the disadvantaged, increase economic opportunity, and sustain natural resources. TREES requires Participants to demonstrate that the activities in their programs are consistent with the Cancun Safeguards, ensuring that activities do no harm. ART does not purchase or sell carbon credits directly, but establishes a structure for certification, verification, and issuance of such credits. An independent third party must verify that the credits issued are in accordance with the TREES standard, which sets out strict requirements for social integrity, directly aligned with the principles of the UN Cancun Safeguards.

The principle of independence is crucial to ART, as it maintains an independent Secretariat, Board, and verification process to ensure unbiased oversight and credibility in the issuance of REDD+ credits. This extends to decision-making processes, ensuring that the ART remains free from influence by its funders. Norway is not involved in the day-to-day running of the TREES standard, of ART's dialogue with participating forest countries or jurisdictions, or with the verification process.

Norway has entered into two consecutive grant agreements with Winrock International to support the establishment and operations of the ART Secretariat. The agreements stipulate that the grant recipient needs to submit yearly written reports on progress, including on how human rights, women's rights and gender equality, climate and environment and anti-

¹¹ [TREES-2.0-August-2021-Clean.pdf](#)

corruption are respected. In the progress reports, and prior to receiving disbursements, Grantees must demonstrate how their activities comply with these crosscutting issues and outline the measures taken to mitigate potential violations.

During the lifetimes of the grants, Norway has had frequent contact with the ART Secretariat in the form of regular meetings, where issues relating to the project goals and achievements are raised. How ART implements measures to safeguard and mitigate human rights concerns, transparency, accessibility, and outreach to Indigenous, local community and civil society organisations, as well as points related to the operationalisation of ARTs complaints and appeals mechanism, has been part of this regular dialogue. Our understanding is that ART has implemented several measures towards this end over the lifetimes of the grants, including:

- Regular reviews of the TREES Standard, at least every three years, entailing both public and targeted stakeholder input, including Indigenous Peoples, and Local Communities (IP and LCs).
- The development of an IP and LC Advisory Group¹², comprised of IP and LC organisations.
- Arranging workshops and meetings, including multi-day regional workshops for stakeholders in Africa, Asia, and South America.
- Providing transparent information on the ART web page, including a page dedicated specifically to Stakeholder Engagement with information about how to engage and directly reach the ART Secretariat.
- Instituting additional training requirements and support materials for the Validation- and Verification Bodies (VVBs).
- Developing a new socio-cultural certification¹³, in recognition that carbon credits alone do not adequately reflect all the benefits that forests may pose to communities. A committee formed solely of IP and LC representatives has assisted in the development of this to ensure it adequately reflects their perspectives.

The issuance of TREES certified REDD+ credits to the Government of Guyana for the 2016-2020 period was the first of its kind. Norway has had a longstanding and successful forest

¹² artredd.org/wp-content/uploads/2024/06/Establishment-of-the-IPLC-Advisory-Group-for-the-Review-of-ART-final.pdf

¹³ [Socio-cultural Working Group Press release-14-June 2023.pdf](#)

and climate partnership with Guyana, and while we were not part of the transaction of their TREES-credits, we offered our support and congratulations for achieving this milestone.

As noted above, Norway is not involved in ARTs decision-making around certification, verification, and credit issuance. We therefore refer to the observations of the verification body Aster Global and to ARTs decision to issue the credits for information about whether Guyana has addressed and respected the TREES standard or consulted with Indigenous Peoples in accordance with Article 19 of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). We also note the exchanges between the Amerindian Peoples Association (APA) and ART following the issuance of credits, and how these have helped the ART Secretariat identify ways in which the ART processes may be improved. A full overview of the process can be found at the ART Secretariat website¹⁴.

Norway puts great efforts into creating an international incentive structure that supports developing countries in their efforts to protect forests, and where the participation of Indigenous Peoples, and forest dependent local communities, play a key role. Norway welcomes an open debate on how consultation processes can be more inclusive from an early stage, and on how parties can seek remedy. It is important that consultation processes must be led by the tropical forest country jurisdictions that apply for TREES credits, in close partnership with legitimate and representative Indigenous and local community organizations from early in the design phase of the program and throughout its implementation.

- 2. Please provide information on measures that your Excellency's Government has taken or plans to take to identify and respond to the above-mentioned concerns, including whether it requires entities to which it provides funding to comply with Norway's National Action Plan for the implementation of the UN Guiding Principles, which states that Indigenous Peoples have a right to be consulted on projects that will have an impact on land where they live and earn their livelihoods.**

Indigenous Peoples' rights are a key human rights issue for Norway domestically, as well as internationally as part of climate, biodiversity and development policies, including safeguards for Indigenous Peoples' rights in forest carbon markets. Norway's commitments in this regard are defined by the UN Covenants on Economic, Social, Cultural, Civil and Political Rights, by

¹⁴ [Complaints and Appeals - ART Architecture for REDD+ Transactions](#)

ratification into Norwegian law of ILO Convention 169 in 1989, and support for the Declaration on the Human Rights of Indigenous Peoples adopted by the UN General Assembly in 2007. The right to give or withhold *Free, Prior, and Informed Consent (FPIC)* in line with article 19 of the UNDRIP ¹⁵ is also a key aspect of ensuring the rights of Indigenous Peoples, and local communities, to participate in decision-making processes that affect them. FPIC ensures that these communities are fully informed and can consent to projects that impact their lands and resources.

As stipulated by NICFI's Grant scheme rules¹⁶, all grantees must have safeguards in place against corruption and negative impacts on women's rights and gender equality, human rights and climate and the environment, and are required to report on how their activities are in line with this. ART and Winrock International are non-commercial entities.

Norwegian support to Indigenous Peoples Rights at a policy level takes place in the UN Permanent Forum on Indigenous Issues, the Third Committee of the UN General Assembly, as well as the UN Human Rights Council, e.g. through promoting resolutions in support of Environmental Human Rights Defenders.

3. Please indicate whether Your Excellency's Government requires entities to which it provides funding to conduct human rights due diligence processes in line with the UN Guiding Principles on business and human rights.

The Norwegian government expects Norwegian companies to act responsibly, be aware of, and comply with the UN Guiding Principles on Business and Human Rights (UNGPs) and the OECD Guidelines for Multinational Enterprises. With the Norwegian Transparency Act, larger companies operating in Norway are required to conduct due diligence assessments to reduce and prevent negative impacts on human rights and decent working conditions in their own operations and supply chains.

On June 14, 2021, the Norwegian Storting (parliament) adopted the Act on Enterprises' Transparency and Work on Fundamental Human Rights and Decent Working Conditions (the Transparency Act). The law aims to promote transparency in supply chains and requires larger companies to perform and report on their due diligence assessments, in line with the OECD Guidelines for Multinational Enterprises. In this way, the Transparency Act will

¹⁵ [UNDRIP_E_web.pdf](#)

¹⁶ [Mal interne rutiner tilskuddsforvaltning](#)

contribute to better working conditions and respect for human rights down the international supply chains. It has been important for the government that the Norwegian Transparency Act is harmonized with international guidelines for responsible business conduct.

4. Please provide information about the measures that your Excellency's Government has taken, or is considering taking, to ensure that the entities to which it provide funding provide access to effective remedies, including adequate reparation, to affected local communities and Indigenous Peoples, in line with the UNGPs.

As described above, all funding from NICFI must be in accordance with the NICFI grant scheme rules. This includes that funding must:

- comply with the OECD/DAC criteria for ODA
- comply with the principles and obligations set out in the 6 Paris Declaration on Aid Effectiveness, the Accra Agenda for Action, and the Busan Partnership for Effective Development Cooperation
- comply with the EEA Agreement's provisions on state aid, see the Act relating to State Aid.

ART aligns its safeguards with international frameworks like the Paris Agreement and the UNFCCC, ensuring that credits are recognized and can be used to meet national and international climate commitments. ART requires participants to demonstrate that their programs are consistent with the Cancun Safeguards. In addition, it further requires third-party, independent verification of compliance. By aligning closely with international frameworks like the Paris Agreement and the UNFCCC, ART seeks to ensure that credits are recognized and can be used to meet national and international climate commitments. Details on this process can be found under article 16 of TREES ¹⁷. We also refer to ART's webpage, which has listed all relevant documentation throughout the appeal process.

Finally, we appreciate your concern and the important questions you have addressed. We are continuously working to take note of lessons learned in all our international partnerships. Consultations with Indigenous Peoples in jurisdictional REDD+ programs are important and

¹⁷ [Architecture for REDD+ Transactions \(ART\) Program](#)

challenging. Norway appreciates the opportunity to contribute to an important dialogue on how we can ensure that Indigenous Peoples are involved, and that their rights are ensured, in jurisdictional high integrity carbon markets.

Yours sincerely

Torstein Lindstad (p.p.)
Director General

Andreas Dahl-Jørgensen
Deputy Director General

This document is signed electronically and has therefore no handwritten signature