

Austria's experiences with LULUCF review issues under the KP

Peter Weiss

Overview

- **Austria's experiences with the KP-LULUCF adjustment exercise 2009**

SBSTA conclusions established an exercise to gain experience with adjustments related to activities under Article 3, para's 3 & 4, Kyoto Protocol

Austria participated in the exercise upon invitation of the UNFCCC secretariat

- **Austria's experiences with the KP-LULUCF-review 2010**

Austria did not choose any additional activities under Article 3, para 4

KP-LULUCF adjustment exercise 2009 – identified and unsolved problems

- No sufficient demonstration that AR activities are directly human-induced
- This problem could not be resolved in the communication with the ERT due to different interpretations on the meaning of directly human-induced

KP-LULUCF adjustment exercise 2009 – ERT's explanation on the problem:

The ERT notes that there are cases of land converted to forest which are not the result of direct human-induced activities as, for instance, the case of abandoned agricultural lands colonized by forest. In Europe the abandonment of agricultural lands, mainly in mountain areas, has been a common phenomenon in recent decades, as people have moved to urban areas following new socio-economic opportunities. After abandonment colonization by forest follows, since ecological conditions in most of Europe are favourable. In this situations forest colonization of abandoned land is purely a consequence of human inaction and not the result of human activity.

KP-LULUCF adjustment exercise 2009 – Austria's response on the problem (1):

Austria responded that the national legal basis for forest-related issues is the Austrian Forest Act. According to the Austrian Forest Act:

(a) any area that meets the forest definition becomes a **(managed)** forest independently from the allocation of that area to a different land use category according to cadastral legislations;

(b) any land-use change from forest is deforestation and needs to be authorized. Indeed, property, ownership or servitude rights cannot change the forest status of an area that is forest according to the Austrian Forest Act.

KP-LULUCF adjustment exercise 2009 – Austria's response on the problem (2):

In Austria, landowners need to prevent forest regrowth on their land since, if they allow it, they then have a legal obligation to preserve such re-grown forest in accordance with the national Forest Act. Consequently, according to submitted information, when a land owner in Austria decides to stop managing grassland or cropland, he decides, by default, that the land will become a forest. Austria reasons that, since conversion of an area to “forest” takes place only where desired, it represents a “direct human-induced” activity.

KP-LULUCF adjustment exercise 2009 – ERT's further steps (1):

- The ERT considered that an adjustment is applicable, after receiving Austria's response
- The ERT considered that the information Austria provided did not demonstrate that all units of land converted to forest and accounted under Afforestation/Reforestation have been converted as consequence of a direct human-induced activity.

KP-LULUCF adjustment exercise 2009 – ERT's further steps (2):

Assessment of the ERT:

The scope of the adjustment calculation is to factor out from the area reported under Afforestation/Reforestation activities the area colonized by forest after having been abandoned. Considering that Austria did not submit additional information requested by the ERT in order to allow to distinguish between areas colonized by forest because of human activity and areas colonized by forest because of human inactivity, the ERT does the conservative assumption that only planted areas since 1990 are accounted for under Afforestation/Reforestation activities.

KP-LULUCF adjustment exercise 2009 – Discussion at the Lead Reviewer's meeting:

- This „direct human induced“ problem was also discussed at the 7th meeting of Inventory Lead Reviewers (Bonn, 10-12 March 2010)
- The discussion further clarified the rationale behind the different points of views, but it was not possible to reach a consensus on this issue among reviewers due to different interpretations of the IPCC GPG-LULUCF

NIR 2010 – Austria's consequences from the outcome of the adjustment exercise:

More comprehensive description and argumentation on the „direct human induced“ issue and the AR area accounting with the following elements

- 1) Legal framework on forests and af/reforestation
- 2) Forest definition
- 3) Forest management definition
- 4) Reporting on forests in Austria
- 5) Justification for Austria's accounting under Article 3.3

NIR 2010 Description and argumentation on the „direct human induced“ issue and the AR area accounting (1):

1) Legal framework on forests and af/reforestation

Assessment of forest area based on definitions in Austrian Forest Act

„Re-afforestation shall take place by means of natural regeneration“ (Austrian Forest Act)

Legal overruling capacity of the Austrian Forest Act: once an area has met the forest definition it is forest, has to be managed as forest and cannot be reconverted to its previous use

So, any stop of previous land management followed by re-growth of forest represents a „direct human induced“ land use change based on a decision

NIR 2010 Description and argumentation on the „direct human induced“ issue and the AR area accounting (2-4):

2) Forest definition

NFI – as basis of ARD area reporting – uses almost the same forest definition as the Austrian Forest Act

3) Forest management definition

According to legal framework all forests and, consequently, all AR areas represent areas under forest management

4) Reporting on forests in Austria

NFI is basis for all international reporting of forest area

All Austrian forests are reported internationally as under forest management

NIR 2010 Description and argumentation on the „direct human induced“ issue and the AR area accounting (5a):

5) Justification

a) The issue of forest land under management

All Austrian forests are managed.

IPCC GPG Chapter 4.2.1, Table 4.2.1: „LUC to managed forest constitutes AR“

NIR 2010 Description and argumentation on the „direct human induced“ issue and the AR area accounting (5b):

5) Justification

- b) IPCC-GPG (Chapter 4, p. 4.52): *“It is good practice to provide documentation that all afforestation and reforestation activities included in the identified units of land are direct human-induced. Relevant documentation includes forest management records or other documentation that demonstrates that a decision had been taken to replant or to allow forest regeneration by other means.”*

This suggests that a broad definition of direct human induced AR is valid. The demonstration for a decision has been provided by documentation material, namely

NIR 2010 Description and argumentation on the „direct human induced“ issue and the AR area accounting (5c):

5) Justification

- c) Documentation material like the Austrian Forest Act that shows that an area that meets the forest definition becomes automatically forest by law and has to be maintained and managed as forest.

So, the owner or land manager that stops the previous land management and allows the natural regeneration of (managed) forest must have made a decision to AR.

Natural regeneration is by law an accepted and frequently desired management technique to af/reforest land.

By description of the AR assessment system that operationalizes these provisions

KP-LULUCF-review 2010 – identified problems in Saturday letter by the ERT:

...

In relation to the Austrian Forest Act, the ERT has the view that the Austrian Forest Act protects the unit of land only after the conversion is occurred, and therefore it is a legal instrument for protection of land only when and where the land meets the forest definition and can not be considered an instrument for human-induced promotion of natural seed sources.

In relation to the forest definition, the ERT has the concern that the definition is applicable on units of land only after the conversion is occurred, but it does not apply to units of land before or during conversion.

Therefore the ERT has the concern that the provided information does not demonstrate that activities of planting, seeding and/or human-induced promotion of natural seed sources have been carried out in the units of land in conversion to forest (see Decision 16/CMP.1, para. 1).

...

KP-LULUCF-review 2010 – Austria's response on the issue (1):

- The provisions for forest protection (section IV of the Austrian Forest Act: protection from forest fire, forest pests and pollution) and the related forest management obligations are valid also before the qualification of an area as afforestation according to the related legal limit values are fulfilled. ... In addition, in the timberline zone any forest plant cover is under related forest management obligations by the Austrian Forest Act, even without meeting the limit values for plant cover or tree height (see § 2, 1 and § 25, 1-4).
...
- These examples give evidence for legal management obligations and protection measures according to the Austrian Forest Act before or during the process of land use conversion to forest.

KP-LULUCF-review 2010 – Austria's response on the issue (2):

- The ERT also raised concern that the Austrian Forest Act is not relevant for the seed sources of the AR lands since it protects the land after conversion but not before. With respect to that, Austria has the opinion that Decision 16/CMP.1, para. 1 ("...promotion of seed sources") is not limited to the AR areas as such but is also valid for management measures at those areas where the seeds of the young trees at the AR areas origin. In case of AR areas with natural regeneration the seed sources are the forests adjacent to the AR lands, and these forests are managed forests and under the Austrian forest act.

Conclusions

- Different understanding of „direct human induced“, needed demonstration material to give evidence for a decision and eligible AR lands between Austria and two ERTs
- Different interpretations of the same issue between reviewers
- The problem seems to be caused by the complexities inherent in LULUCF and by related ambiguities of the IPCC GPG
- We would see a major problem in the reliability of the process if the outcome of a review (like adjustments) would be based on ambiguous provisions and therefore highly variable with and dependent on the individual reviewer's interpretation of the issue
- Most Annex-I-countries report AR lands with the same understanding as Austria – what is your experience?

Thank you for your attention!

Contact:

Peter Weiss

Tel. Nr.: +43-1-31304-3430

E-Mail: peter.weiss@umweltbundesamt.at

Umweltbundesamt
www.umweltbundesamt.at

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