Photo: Bacalar, Quintana Roo - Waterotter.

DEVELOPING A REGULATORY FRAMEWORK FOR BLUE CARBON IN MEXICO

Policy Brief

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The ICCF Group is a non-profit organization headquartered in Washington, DC. ICCF Group currently supports more than 20 multi-stakeholder groups -commonly known as Caucuses- active and committed to environmental conservation and sustainable development in legislatures in the United States, Africa, Asia, Europe and Latin America. In this capacity, ICCF Group brings together key leaders from the public, private and civil society communities to promote legislative leadership on the environmental agenda by fostering informed decision-making processes. In Mexico, ICCF Group has been working since 2016 and acts as the Secretariat of the Mexican Conservation Caucus (CMC) and the Mexican Oceans Caucus (COM), which has among its priorities blue carbon legislation.

We are grateful for the valuable technical contributions of:

COSTASALVAJE (WILDCOAST) is an international team dedicated to conserving coastal and marine ecosystems and addressing climate change with natural solutions. Since 2016, they have implemented the blue carbon strategy in the Americas and, since 2008, they have been working to preserve the mangrove forests of the Mexican Pacific in partnership with the National Commission of Natural Protected Areas (CONANP). In addition, they have developed spaces for discussion on blue carbon initiatives among the different actors involved in the issue: government, academia, private sector and community. Currently, they coordinate three Blue Carbon projects in Mexico: Laguna San Ignacio and Bahía de La Paz in Baja California Sur, and the Oaxaca Coast.

The Ocean Foundation (TOF) is an international foundation based in Washington, DC that was established in 2002 to support and promote the protection of the ocean environment. TOF's Blue Resilience Initiative (BRI) focuses on promoting nature-based solutions to climate change by collaborating with local partners and communities on a global scale. Its work includes the restoration and conservation of coastal habitats, as well as regenerative agricultural practices and agroforestry using seaweed. In Mexico, TOF works in partnership with the Fundación Mexicana para el Océano (FMO), a non-profit civil association that works to implement various projects for the conservation and preservation of priority ecosystems such as mangroves and reefs to benefit the livelihoods of the people who depend on them.

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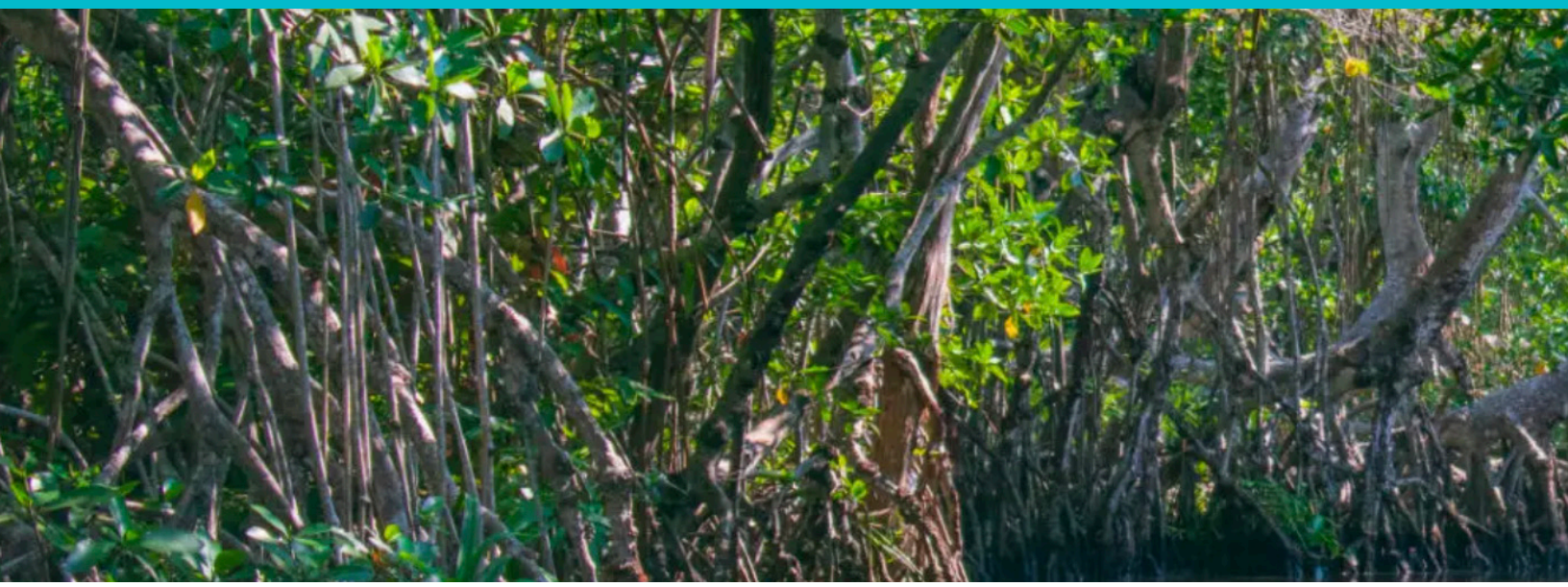
Photo: La Ventanilla, Oaxaca - Msznz.



BACKGROUND

In June 2022, legislators from the Senate of the Republic and the Chamber of Deputies established, with support from the **ICCF Group**, the Mexican Oceans Caucus (COM). This made Mexico the fourth country in the world, preceded by the United States, Colombia, and Indonesia, to have such a Caucus.

The COM functions as a multiparty and plural space focused on building multi-sectoral dialogues and processes related to the conservation and sustainable use of the ocean, seas and marine resources to strengthen the legislative framework for the benefit of people, nature, and the economy.

The activities of the COM are supported by the ICCF Group, which acts as the Secretariat, and have the technical support of a group of civil society organizations - leaders of the ocean agenda in Mexico - including **COSTASALVAJE** and **The Ocean Foundation**.

To guide its work, the COM established an agenda of thematic priorities, including the "conservation and restoration of coastal and marine ecosystems", which includes the need to review and strengthen legislation applicable to blue carbon ecosystems.

Seeking to advance this theme, the COM has convened two analysis roundtables -one in the Senate[1] and the second in the Chamber of Deputies[2]- that have brought together more than sixty specialists from different sectors to provide technical input and recommendations to strengthen blue carbon legislation in Mexico.

1 The roundtable entitled "Towards a legislative framework for blue carbon in Mexico" was held in the Mexican Senate on October 27, 2022.
2 The roundtable entitled "Fundamental precepts for building a legislative framework for blue carbon in Mexico" was held at the Chamber of Deputies on June 21, 2023.

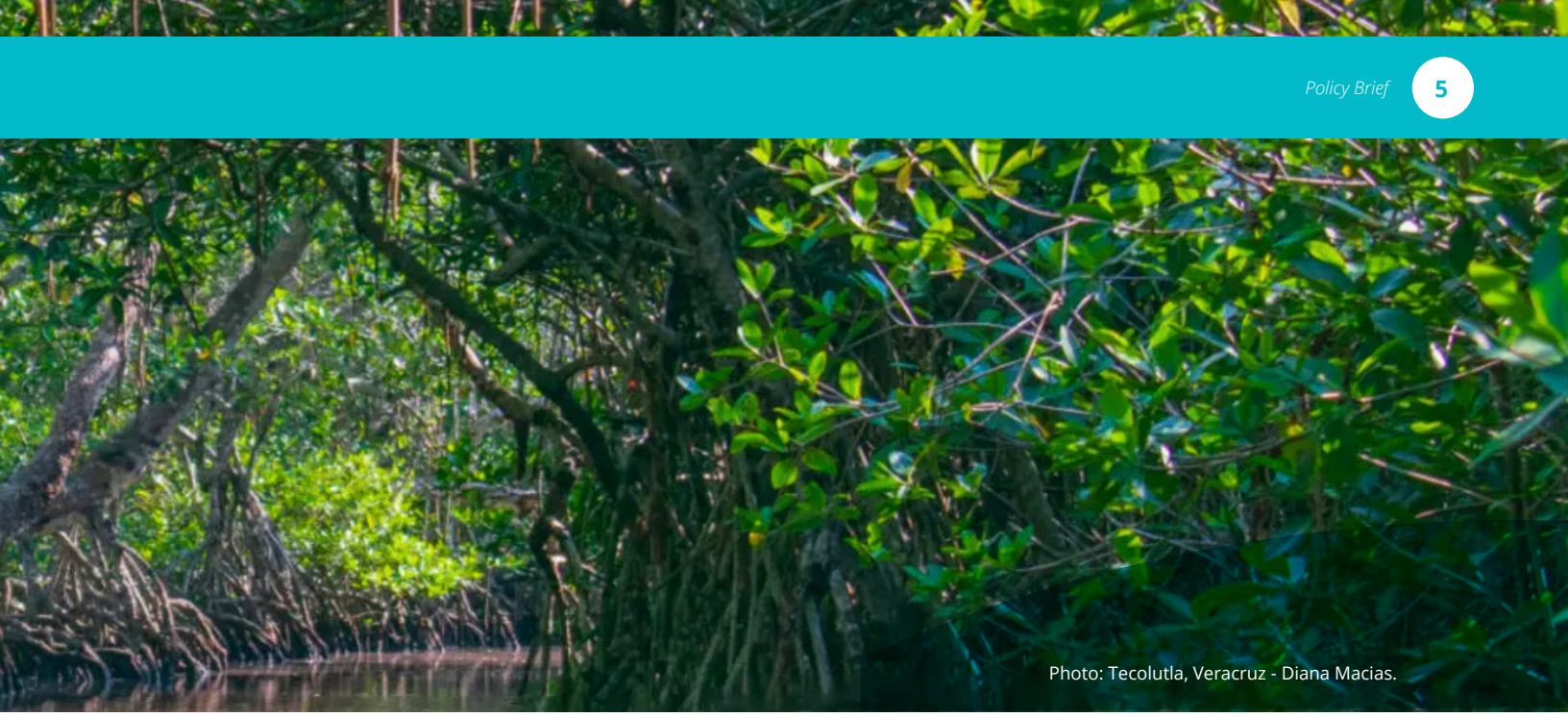


Photo: Tecolutla, Veracruz - Diana Macias.

In addition, in 2023, with support from the ICCF Group, the Oceans Caucuses of Mexico and Colombia carried out a Binational Mission to the Archipelago of San Andres, Providencia and Santa Catalina[3], which allowed them to learn first-hand about best practices in conservation and restoration of coastal and marine ecosystems.

The experiences and inputs gathered during these activities have accompanied legislative processes to integrate blue carbon into the national legal framework. On October 4, 2023, the Senate of the Republic approved an initiative that reforms and adds various provisions to the General Law of Wildlife (LGVS), the General Law of Ecological Balance and Environmental Protection (LGEEPA) and the General Law of Climate Change (LGCC), seeking to take a first step towards conservation, restoration and recognition of the importance of coastal and marine ecosystems in terms of climate change.

The bill approved in the Senate is currently being analyzed by the Climate Change and Sustainability Committee of the Chamber of Deputies; if approved, it will allow for progress in the following aspects:

- Incorporation of the definition of blue carbon in the legislation, understanding it as the carbon captured by coastal and marine ecosystems, with emphasis on mangroves, grasslands and marshes.
- Recognition of coastal and marine ecosystems as carbon sinks and their importance in combating climate change.
- Allocation of resources for the implementation of actions to address climate change, including programs for the protection of biomass and sediment generated by blue carbon.
- Inclusion of provisions to conserve and restore blue carbon ecosystems in the LGVS and LGEEPA.

In this context, this policy brief includes a series of recommendations to continue strengthening blue carbon legislation that can be considered in subsequent legislative processes, based on the input of specialists who participated in the blue carbon sessions convened by the COM in the Senate of the Republic and in the Chamber of Deputies.

3 As a result of this binational mission, the "Legislative Declaration of the Archipelago of San Andres, Providencia and Santa Catalina: The sustainable ocean economy as a catalyst for social and environmental development" was signed in August 2023. Available at: https://drive.google.com/file/d/1sW3g7mUGuljLZqjsS9-B3fbtPKqgjlyI/view?usp=sharing

Blue Carbon Overview

Coastal ecosystems (mangroves, seagrasses and salt marshes) have a great capacity to capture and store carbon dioxide in the form of organic carbon -also known as "blue carbon"- which makes them important allies for both mitigation and adaptation to climate change[4].

Mexico is the country with the fourth largest mangrove area in the world with an area of 905,086 hectares according to the Mexican Mangrove Monitoring System (SMMM) of the National Commission for the Knowledge and Use of Biodiversity (CONABIO)[5].

Benefits of blue carbon ecosystems
Blue carbon ecosystems are valuable natural assets that capture and store carbon dioxide, contributing to climate change mitigation.
Sustainable management of blue carbon ecosystems offers additional environmental, social and economic benefits beyond climate action, including resilience, conservation and livelihood support for coastal communities.
By integrating best practices and principles, governments have the opportunity to promote blue carbon projects and priorities by working closely with local communities, scientific institutions, civil society, the private sector, and international organizations.
The conservation of blue carbon ecosystems is an opportunity to implement innovative approaches to sustainable financing, including through the use of market-based (carbon credits) or non-market-based (development banks) mechanisms.
Conserving, restoring and sustainably managing blue carbon ecosystems is a viable and internationally recognized solution by the Intergovernmental Panel on Climate Change (IPCC) for countries to account for and report greenhouse gas (GHG) reductions, contributing to the goals acquired under the Paris Agreement.
The conservation and restoration of blue carbon ecosystems can support countries in making progress towards meeting targets committed under other international frameworks on biodiversity, sustainable development and human rights.
By integrating best practices and principles, governments have the opportunity to promote blue carbon projects and priorities by working closely with local communities, scientific institutions, civil society, the private sector and international organizations.

4 Siikamäki, J., Sanchirico, J. N., Jardine, S., McLaughlin, D., & Morris, D. (2013). Blue carbon: coastal ecosystems, their carbon storage, and potential for reducing emissions. Environment: Science and Policy for Sustainable Development, 55(6), 14-29.

5 CONABIO (2020). Sistema de Monitoreo de Manglares de México (SMMM). Extent and Distribution of mangroves. Available at:: https://www.biodiversidad.gob.mx/monitoreo/smmm/extensionDist

Photo: Reserva Biosfera Sian Ka'an - Steffie82.

The importance of strengthening blue carbon legislation is due to various challenges related to the design of strategies, policies, and laws aimed at conserving and restoring these ecosystems, safeguarding the biodiversity that inhabits them, protecting their current levels of carbon capture and storage, and preserving their capacity to provide environmental services to human societies.

Photo: Reserva Biosfera Sian Ka'an - Marco Cesarano.

Opportunities to Regulate Blue Carbon in Mexico

While coastal and marine ecosystem management strategies and approaches exist, there is a need to design, develop, complement and implement legal and policy provisions focused on addressing existing challenges and recognizing the climate change mitigation potential of blue carbon ecosystems.

The following opportunities have been identified, but not limited to:

ENABLING LEGISLATION

Legislation	Opportunity
Budget	• Ensure sufficient budget for Branch 16 (environment) to meet national objectives and international environmental and human rights commitments in the short, long, and medium term.
Strengthen the environmental legal framework	• Define the concept of "ecosystem services" in the LGEEPA, including related concepts such as carbon sequestration, storage, compensation, emission reductions, etc. • Definition of "green carbon" in the LGCC, in order to highlight the importance of freshwater wetlands and refer to the carbon sequestered by them. • Protect other blue carbon ecosystems, through the LGVS and the Federal Criminal Code. • Clarify the protection of wetlands of international importance (Ramsar Sites). • Balance various laws, such as the LGVS, the National Water Law (LAN) and the General Law for Sustainable Forest Development (LGDFS). • Give certainty (via legislation) to the property rights of blue carbon ecosystems, especially mangroves and marshes, and the benefits derived from their conservation.
Define and regionalize the regulations for permits and authorizations	• Clearly define the processes for permits and authorizations related to the conservation and restoration of mangrove ecosystems and other blue carbon ecosystems, taking into account the different needs of these ecosystems determined by their region in the country and seasonality.
Regulated carbon market	• Incorporate the conservation and restoration of blue carbon ecosystems, mainly mangroves, as an emissions compensation strategy within the regulated market. This should include aspects such as: clarity in administrative and fiscal issues, competent authorities, timing, commitment of those who buy and must reduce emissions, applicable processes and methodologies, ensuring benefits for communities, ecosystems and the climate.

IMPLEMENTING PUBLIC POLICY

Policy	Opportunity
Information and methodologies	• Generate an inter- and intra-institutional baseline of blue carbon sinks in Mexico. • Define methods for measuring the absorption, sequestration, and fixation of carbon in ecosystems, according to the specific characteristics of each region of the country. • Establish appropriate methodologies to measure and value the social, environmental, and economic benefits associated with the projects.
Guidelines and strategies	• Develop and implement the National Blue Carbon Strategy, committed to in Mexico's Nationally Determined Contribution to the Paris Agreement. • Update the National Policy on Seas and Coasts (Sustainable Ocean Plan for Mexico). • Develop guidelines to standardize community monitoring of blue carbon ecosystems that considers the diversity of these ecosystems present in Mexico.
Voluntary carbon market	• In the absence of a regulated market, an opportunity lies in generating a guide for planning and implementing the voluntary carbon credit market that is inclusive, transparent, understandable, and ensures fair and equitable benefits for those who participate.
Transparent and effective regulated carbon market	• Create a National Registry that includes participants, location, evidence of consent, fair and equitable benefits, monitoring and verification of compliance with goals, among other details. • Promote the creation of Mexican certifiers and evaluators that are analogous to those recognized internationally. • Environmental and social safeguards to ensure community participation, participatory governance, gender equity, knowledge sharing about market-related activities, and free, prior, and informed consent.

Photo: Riviera Maya - Luna Marina.

COMPLIANCE WITH INTERNATIONAL COMMITMENTS AND GLOBAL GOALS

The integration of blue carbon ecosystems into legislation and policies is also an opportunity to comply with various international commitments, including the following:

Internacional Commitment	Opportunity
Paris Agreement	In updating its Nationally Determined Contributions (NDC) in 2022, Mexico reaffirmed the priority of nature-based climate solutions and considered, as a line of action, "strengthening instruments and implementing actions for biodiversity conservation and restoration in coastal, marine and freshwater ecosystems, as well as promoting the increase and permanence of carbon reservoirs, with emphasis on blue carbon"[6].
Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement)	States Parties shall ensure the full and effective implementation of the rights provided for and protected through this Treaty, as well as build and strengthen capacities and cooperation to protect the right of people (of present and future generations) to live in a healthy environment and to sustainable development[7].
Agenda 2030 and the Sustainable Development Goals (SDGs)	Several SDGs have points of contact with the conservation and restoration of coastal and marine ecosystems, particularly SDG 13 "climate action" and SDG 14 "underwater life".
UN Convention on the Law of the Sea (UNCLOS)	There is an obligation to protect and preserve the marine environment (Part XII and other articles of the Convention)[8].
Convention on Wetlands of International Importance especially as Waterfowl Habitat (RAMSAR)	Wetland conservation should be favored in Mexico, given that it is the country with the second largest number of Ramsar Sites globally (144 with a total area of 8,721,911 ha)[9].
UN Decade on Ecosystem Restoration (2021- 2030)	In 2019, the General Assembly declared the United Nations Decade on Ecosystem Restoration (2021-2030), which aims to bring the world together to: prevent, halt and reverse global ecosystem degradation, as well as improve food security, water supply and biodiversity. Priority ecosystems include coastal and marine ecosystems.
Convention on Biological Diversity (CBD) Kunming-Montreal Global Biodiversity Framework (GBF)	The conservation of biological diversity, and the sustainable use of its components, are part of the objectives of the Convention (Article 1)[10]. In addition, the country committed itself, within the framework of the Kunming Montreal Global Biodiversity Framework[11], to promote the legal protection and restoration of at least 30% of terrestrial and marine ecosystems, including blue carbon ecosystems.
High-Level Panel for a Sustainable Ocean Economy (The Ocean Panel)	In 2020, Mexico joined this international forum, committing to join the global goal of ensuring that by 2030 all Exclusive Economic Zones (EEZs) are sustainably managed. To meet this agenda, Mexico must design and implement an Ocean Plan focused on moving towards a sustainable ocean economy, including, among other things, strengthening marine and coastal ecosystem restoration efforts.

6 Nationally Determined Contribution, Update 2022. Available at: Mexico_NDC_UNFCCC_update2022_FINAL.pdf
7 Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean. Available at: https://repositorio.cepal.org/server/api/core/bitstreams/a6049491-a9ee-4c53-ae7c-a8a17ca9504e/content
8 United Nations (1982). United Nations Convention on the Law of the Sea. Montego Bay. Available at: https://www.un.org/Depts/los/convention_agreements/texts/unclos/convemar_es.pdf
9 Mexico | The Convention on Wetlands. Available at: https://www.ramsar.org/es/country-profile/mexico
10 United Nations Organization (1992). United Nations Convention on Biological Diversity. Available at: https://www.cbd.int/doc/legal/cbd-es.pdf
11 United Nations (2020). Kunming-Montreal Global Biodiversity Framework. Available at: Marco mundial Kunming-Montreal de la diversidad biológica (cbd.int)

Photo: Reserva Biosfera Sian Ka'an - Marco Cesarano.

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