



Critical analysis of the contractual commitment to serve the protection of ecological services

The example of payments for environmental services

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introduction

-General Background : 2007 report FAO “Paying farmers for environmental services”

-Definition of payments for environmental services :

« For the purposes of this report, PES **transactions** refer to **voluntary transactions** where a **service provider** is **paid by, or on behalf of, service beneficiaries** for agricultural land, forest, coastal or marine **management practices that are expected to result in continued or improved service provision beyond what would have been provided without the payment**. The payment may be monetary or in some other form. PES transactions can involve a wide range of parties – including farmers, communities, taxpayers, consumers, corporations and governments – across a wide range of transaction types – from direct payments between downstream beneficiaries and upstream providers to consumers paying for a cup of “shade- grown” coffee beans produced on the other side of the world. This definition of payments for environmental services is considerably broader than that used by some practitioners, who focus on direct voluntary payments by service users to service providers » (FAO definition).



introduction

Transaction: the role of the contract

-Civil law/common law

-Problem : a reading of payments for environmental services in
-the light of French contract law raises many questions

- plan :

Who is Concerned? (I)

What is due? (II).



I-The identity of contractors

A-Who is eligible for payment?

B-Who can afford this payment?



II-The object of contractual obligations

A- The obligation of the payee or which service is to be rendered ?

B-The obligation of the beneficiary or the payer of services: What payment is to be granted?



Thank you for your attention

