

Rights and Resources Initiative
Guatemala ER-PIN Assessment
Date of ER-PIN submission: 12 September 2014

Grading for ER-PIN Assessments:

Color	Qualification	Analysis
Green	The indicator is clearly addressed and supported by country stakeholders and other sources of evidence;	Reasons for attributed grade should be clearly stated and supported by evidence.
Yellow	The indicator is partially addressed, ER-PIN claims are contested, and/or supporting evidence is weak;	
Red	The indicator is not addressed or is mentioned but not defined/explained, nor supported by evidence and local stakeholder input.	

Section 1: ADVANCING INDIGENOUS AND COMMUNITY RIGHTS TO LAND AND FORESTS: To what extent does the proposed emission reduction program protect and advance the rights of Indigenous Peoples (IP) and local communities (LC) to land and forests within REDD+ systems and processes?

1) Stakeholder participation in ER-PIN planning and ERP design

Grade	Indicators	ER-PIN Assessment
	1a) The ER-PIN design process shows evidence of full and effective engagement of locally affected populations and vulnerable groups, including women, indigenous peoples and local communities	The ER-PIN shows engagement of stakeholders through the platform Group on Forests, Biodiversity and Climate Change (GBByCC), established for REDD+ readiness (ER-PIN, p. 7). It gathered a considerable range of stakeholders, including indigenous and local community organizations, at least two women organizations and two universities. Workshops were held and two NGOs prominent for their international work on REDD (Utz Che and Sotizil) were mentioned (ER-PIN, p. 29). Still, these organizations proposals and concerns are not specified and experts noted there are no binding mechanisms for agreement among relevant stakeholders.
	1b) The ER-PIN presents a clear and realistic approach for ensuring IP/LC involvement in the design and implementation of the full ER Program	The ER-PIN presents a participatory platform built through the PINFOR program and co-management experiences for protected areas. Major roles are proposed for community management and co-management through existing forest sector programs. The national monitoring system for MRV is under construction, but it foresees a role for communities in local monitoring based on traditional knowledge. Still, Guatemala noted in their Progress Report to the FCPF of August 2014: “limited participation of key stakeholders involved in the activities of emission reduction, in the early socialization and the preparation of the Strategy” (see the 2014 REDD+ Annual Country Progress Report for Guatemala)

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2) Land and forest tenure

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	2a) Robust tenure assessments (i.e., assessment takes into account customary and legal land hold, disputed areas, challenges, etc) in the geographical area of the proposed ER Program were conducted as part of the SESA	The ER-PIN presents only a general summary of a very complex land tenure context (ER-PIN, pp 50-51).
	2b) Land and resource tenure assessments were publically vetted and endorsed by all concerned stakeholders;	There is an extensive literature analyzing land issues in Guatemala not referenced or summarized in the ER-PIN, including in the proposed ER Program area, which were a driving factor in the thirty-six year civil war and continue to be a source of conflict. The ER-PIN mentions that land and resource tenure was discussed within consultations in 2014 (ER-PIN, p. 28), but it does not inform if there has been stakeholder feedback on the matter.
	2c) The land use / land tenure context of the proposed ER Program, including implementation risks (conflicting claims) and available arbitration processes is well defined.	“Tenure and land distribution situation” is recognized as an underlying cause for most drivers (ER-PIN, pp.20-21), but the ER-PIN states that the existing forest incentive programs can be channeled to smallholders without legal title, thus circumventing this problem without addressing the underlying driver. The ER-PIN does not recognize conflicts over land and natural resources as a potential risk to the program, but it notes other risks (ER-PIN, p. 26).
	2d) The process for addressing emerging land and forest tenure issues (e.g., conflicting claims, tenure insecurity for IP/LC and women) is clearly defined in the ER-PIN	The issue of communal lands and indigenous territories is not treated adequately in the ER-PIN. Furthermore, neither the approach to these lands in the proposed ER Program, nor their ongoing contribution to forest conservation are addressed. None of the selected REDD+/ER Program strategies are designed to address the land tenure situation, and land tenure security is not mentioned as a non-carbon benefit.

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3) Assignment of rights to forest carbon

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	3a) The legal framework for carbon rights is defined in the ER-PIN	The ER-PIN states that Article 22 of the Climate Change Framework Law (Decree 7-2013) establishes that carbon rights reside with the owner of the landowners and holders (including those without legal title to their land (ER-PIN, p. 50). It also notes that the Guatemalan legal framework and current forestry programs work with either landowners and rights holders as well. It is not clear, however, if indigenous and local communities are “legal persons with the state” and thus vested with carbon rights over their forests.
	3b) The process for dealing with contested and/or overlapping land, forest and carbon claims is defined.	The ER-PIN says it will build on existing conflict resolution mechanisms during ERP implementation phase. It affirms that the Strategy for the Analysis, Resolution and Transformation of Conflicts in the Forest Sector has been successfully implemented, but does not describe how it functions (ER-PIN, p. 49). Furthermore, it does not assess conflicts related to forest carbon or tenure.
	3c) The legal basis for the transfer of ER titles is defined.	The legal basis for transferring is not fully defined, but the ER-PIN states ceding of ERs will be voluntary, in return for benefit sharing arrangements that need to be specified and agreed upon with landholders and owners. Those who do not want to cede their ERs to INAB could access carbon markets directly (ER-PIN, p. 51); there would be no benefit sharing in such circumstances. As ERs are vested in landowners and rights holders, transfer to INAB is voluntary, and would involve representation authority to negotiate and make agreements with buyer like the Carbon Fund (ER-PIN, p. 52).

4) Equitable benefit sharing and non-carbon benefits

Grade	Indicators	ER-PIN Assessment
	4a) The ER-PIN presents a transparent and verifiable process to equitably share carbon-related benefits (e.g., REDD+ revenue streams).	The proposed ER Program benefit-sharing mechanism is based on the existing models of forest incentive payments operating for the past fifteen years (ER-PIN, p. 53). The ER Program would distribute monetary benefits in return for ceding of ERs through existing mechanisms like PINFOR and PINPEP.
	4b) The ER-PIN presents a transparent and verifiable process to prioritize and equitably share non-carbon benefits (e.g., alternative business models and revenue streams).	The ER-PIN says that selection of non-carbon benefits will be done through consultation in each ER Program area (ER-PIN, p. 54) and identifies a series of non-carbon benefits applicable to all REDD+ activities, such as poverty reduction, biodiversity conservation and preservation of archeological and sacred sites.
	4c) The benefit sharing mechanisms outlined in the ER-PIN are broadly supported by indigenous and forest dependent communities, including women.	A national REDD+ benefit sharing system is at an early stage of discussion in Guatemala and the SESA will be used to consult on the design of the national benefit sharing system (ER-PIN, p. 54). The community forest concessions in the Peten, organized in the GuateCarbon platform, have recently carried out an FPIC process the reportedly reached 70% of the population in their areas.

5) Alignment of ERP strategies with main drivers of deforestation

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	5a) The drivers of deforestation and forest degradation identified in the ER-PIN are consistent with expert analyses and local stakeholder input.	The ER-PIN identifies the main actors driving deforestation (ER-PIN, pp. 20-21). Deforestation rates and major drivers seem to be in accordance with studies provided by local institution, such as INAB and CONAP, besides a study from FAO on firewood consumption (ER-PIN, pp. 18). Still, it lists interventions that could potentially affect stakeholders directly, such as agriculture and related land use, but does not include their feedback.
	5b) Challenges to overcoming identified drivers (i.e., technical, institutional, political or economic) are clearly defined.	The ER-PIN lists some major barriers to the program (ER-PIN, p.22) however, the economic and political forces surrounding the expansion of agro-commodities, cattle ranching and illegal logging are not listed and include some serious challenges to the ER program and mentioned drivers.
	5c) Proposed ER Program interventions specifically target the main drivers and their related challenges.	The proposed ER Program interventions include the expansion of forest sector incentive payments, with the inclusion of strengthened forest governance, law enforcement and green value chains. They do not address, however the underlying issues of land distribution.

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6) Safeguards framework

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	6a) The country has completed its SESA and elaborated an ESMF (yes/no; if yes then consider b through e; if no, got to 6f)	No; no
	6b) The assessment of social and environmental considerations was conducted in a transparent and participatory manner.	
	6c) FPIC is presented as a requirement of the ESMF.	
	6d) The EMSF identifies key steps, including budget and timeline, to strengthen forest governance issues within the national legal framework	
	6e) The ER-PIN presence a credible grievance/dispute resolution mechanism, based on the FGRM assessment,.	The ER-PIN states that existing mechanisms will be used (ER-PIN, p 49). In cases of conflicts in protected areas- CONAP also has established mechanisms. The ER-PIN nonetheless commits that the Government “will establish a specific grievances mechanisms, especially from indigenous peoples and local communities during the design and implementation of the ER Program (ER-PIN, p 49). The ER-PIN doesn’t mention several land conflicts taking place in Guatemala as reported by the IDB ¹
	6f) The ER-PIN describes the design of the Safeguard Information System and its application in the context of the ER-P.	The ER-PIN does not describe a Safeguard Information System nor how will it comply with its safeguard reporting obligations.
	6g) Proposed safeguards adequately address the land and resource rights of indigenous peoples, forest communities and women	The ER-PIN does not describe a Safeguard Information System nor how will it comply with its safeguard reporting obligations.

Section 2: BROADER GOVERNANCE CHALLENGES FOR ADDRESSING DEFORESTATION DRIVERS: To what extent does the proposed emission reduction program consider other key forest governance challenges for achieving REDD+?

7) Government capacity and coordination in ERP planning and implementation

Grade	Indicators	ER-PIN Assessment
	7a) The ER-PIN shows evidence of coordination across sectors, line ministries, and levels of government (local, sub-national, national).	Guatemala has established an inter-institutional Institutional Coordination Group (GCI) (ER-PIN, p. 6). The Group on Forests, Biodiversity and Climate Change (GBByCC) established as a platform for readiness, also has representation from the regional, state and local (COMUDES, COCODES). Nevertheless, as noted in the Progress Report to the FCPF of August 2014 and the IDB in their Technical Cooperation Document, Guatemala had difficulties of coordination among involved actors in the National Strategy Development (ER-PIN, p. 10)
	7b) The ER-PIN identifies opportunities for community-based interventions, including natural resource management, tenure recognition, and other dedicated REDD+ investments.	The ER-PIN highlights the importance of community based monitoring and states that communities are already involved in monitoring of the Maya Biosphere Reserve (ER-PIN, p. 42). It also affirms that the program will promote the participation of IPs and local communities, but that there is a need for further capacity building for this to happen (ER-PIN, p. 43).
	7c) The ER-PIN discusses efforts to combat corruption and the measures that will be used in the ER Program.	The ER-PIN does not discuss corruption or related issues.

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8) Transparent monitoring and oversight of REDD+

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	8a) The ER-PIN shows evidence of an open-access information management systems for REDD+	The ER-PIN does not describe well the information management system for REDD+. It mentions the National Committee on Environmental and Social Safeguards (CNSAS) is working on public access to information issues within the discussions of safeguards (ER-PIN, p. 43). The Ministry of Environment and Natural Resources has however established a public REDD+ web portal where information on the process is posted and regularly updated. ²
	The ER-PIN proposes mechanisms to independently and transparently:	
	8b) Monitor the social and environmental impacts of REDD+ investments;	The ER-PIN states social and environmental impacts will be monitored through the INAB and CONAP platforms (ER-PIN, p. 49). It foresees roles for local communities, but it does not contain information on independent oversight.
-	8c) Monitor the application of safeguards via the Safeguard information system	There is no discussion of monitoring the application of safeguards. The ER-PIN further states that SESA/ESMF will be monitored through existing INAB and CONAP platforms and capacity, their monitoring units will be strengthened by their involvement in the ER Program (p.49). Guatemala's Mid Term Report describes advances in the design of a national Safeguards System and the design of an information system for reporting on how safeguards are being addressed and respected. ³
-	8d) Monitor the effectiveness of governance-related interventions;	The ER-PIN does not discuss monitoring of governance aspects.
-	8e) Track and coordinate international finance flows;	The ER-PIN mentions a system for transparency in public procurement (Guatecompras), but it does not describe a system for REDD+ revenues and finance flow, nor how transparent and accountable it should be.
-	8f) Monitor the distribution of carbon and non-carbon benefits	The ER-PIN says that a monitoring system for co-benefits is under preparation (p.43) including through the design of a PES scheme by INAB and CONAP (watershed, biodiversity, soil conserve); databases of PINFOR and PINPEP will be used to generate information on key forest areas for biodiversity and where pressure on forest in high, for better targeting of incentives and management efforts.

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Section 3: OVERALL ASSESSMENT

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	9a) The proposed emission reduction program protects and advances the rights of indigenous peoples and local communities to land and forests within REDD+ systems and processes.	Partial. The program considers the participation of indigenous peoples in the process, but falls short in sufficiently describing and presenting solutions for conflicts regarding land tenure.
	9b) The proposed emission reduction program presents a credible plan for addressing governance issues at national and sub-national levels, and establishes clear processes for monitoring progress on critical risk factors.	Partial. The program presents a credible governance system, but does not sufficiently establishes processes for monitoring progress on critical risk factors.

¹ International Development Bank. 2014. Guatemala Technical Cooperation Agreement. Available at https://www.forestcarbonpartnership.org/sites/fcp/files/2014/May/Technical%20Cooperation%20Agreement_Signed%2001%2004%202014_0.pdf, pp 3

² See: http://www.marn.gob.gt/s/redd_

³ See Guatemala Mid Term Report, pp.42-46 and 56-61