

RRI Nepal ER-PIN Assessment
Date of ER-PIN Submission: 7 March 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.	

Reasons

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 identifies a series of relevant civil society stakeholders (ER-PIN, p. 2-3). It received feedback from “multiple national and district level workshops with civil society and Indigenous Peoples” (ER-PIN, p. 5; 22).
	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	A clear timeline for consultations around the ER Program design is not proposed, but the ER-PIN states “extensive consultations” will be held (ER-PIN, p. 23), including at the community level, using funds from the R-PP grant.

2) Land and forest tenure

Grade	Indicators	ER-PIN Assessment
Yellow	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	Problems associated with land tenure were already identified in the R-PP (R-PP, p. 3). The SESA deals with tenure issues and USAID has produced a land tenure assessment for the ER Program specifically designed to meet the requirements of the Carbon Fund's methodological framework. Both of these documents are still pending further consultation and incorporation of stakeholder views.
Yellow	2b) Land and resource tenure assessments were publically vetted and endorsed by all concerned stakeholders;	SESA presents a summary of the views of forest dependent people and vulnerable groups. It is less clear how particular views were incorporated into the assessment (SESA, Appendix 7).
Red	2c) The land use / land tenure context of the proposed ER Program, including implementation risks (conflicting claims) and available arbitration processes is well defined.	The ER-PIN provides a superficial treatment of the tenure issues and implementation risks, and refers to plans by the Ministry of Land Reform and Management to advance land tenure security without providing any details on the aims or how that process is progressing. Furthermore, it does not describe conflict resolution mechanisms (ER-PIN, pp. 51-52).
Yellow	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 ER Program proposes transferring area of government managed forests in the area to CF and CoFM models, increasing usufruct rights of communities involved. Land use planning is one of the proposed policy interventions, but the ER-PIN notes (ER-PIN, p. 20) that there are capacity constraints to implement the new policy at district level. Increasing tenure rights through the ER Program is seen as a way to empower communities to regulate drivers, but that increase in rights seems to be limited to use rights.

3) Assignment of rights to forest carbon

Grade	Indicators	ER-PIN Assessment
	3a) The legal framework for carbon rights is defined in the ER-PIN	The ER-PIN states the Forest Act of 1993 provides carbon rights to communities based on forest management models, despite requiring some modifications, since communities do not have usufruct rights (ER-PIN, p. 52). This view is not shared by the SESA in its strategic objective 1a, which proposes “to define, clarify and accommodate rights to carbon”. Furthermore, a land tenure assessment carried out by USAID states there are no stipulations regarding tenure over biomass carbon in Nepal ^l .
	3b) The process for dealing with contested and/or overlapping land, forest and carbon claims is defined.	As stated above, estipulations regarding carbon rights are still unclear in Nepal. The ER-PIN mentions problems related to fragmentation of farmland and dual ownership, and that Ministry of Land Reform & Management outlined key objetives for land planning and reform within the next years (ER-PIN, p. 52). It does not describe the reform, nor the process for dealing with dual ownership.
	3c) The legal basis for the transfer of ER titles is defined.	The ER-PIN does not define the transfer of ER titles.

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 benefit sharing system for the ER Program is to be based under the Forest Act (ER-PIN, p. 53). It specifies the percentage of benefits to go to communities under community forestry, under collaborative forest management, adaptation programs and mitigation programs, despite being less clear on the latter. Still, it is unclear how widespread discussions on benefit sharing have been to date, and the ER-PIN states changes concerning the parties involved might require the design of a new benefit sharing arrangement (ER-PIN, p. 54).
	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).	Nepal has identified six non-carbon benefits associated with REDD+. It does not provide, however, further description on how these benefits will be shared and monitored. (ER-PIN, p. 56-57).
	4c) The benefit sharing mechanisms outlined in the ER-PIN are broadly supported by indigenous and forest dependent communities, including women.	It is unclear how widespread discussions on benefit sharing have been to date. At the time of the ER-PIN, the REDD+ Cell (now the REDD+ Implementation Centre) was commencing a study and broad consultations on these issues (ER-PIN, p.54). UN-REDD is also supporting studies and development of the national level institutional set up for financial management and benefit sharing arrangements.

5) Alignment of ERP strategies with main drivers of deforestation

Grade	Indicators	ER-PIN Assessment
	5a) The drivers of deforestation and forest degradation identified in the ER-PIN are consistent with expert analyses and local stakeholder input.	There are considerable data challenges for understanding drivers in Nepal, including little or no reporting of illegal logging and forest encroachment, but several new studies have recently been completed, providing a fairly good picture of the problem if not yet geographical precision as to what exactly which drivers are most important in which districts of the proposed accounting area. The ER-PIN states that stakeholder inputs, and prioritization of drivers, was carried out through several district and national consultations (ER-PIN, p. 11).
	5b) Challenges to overcoming identified drivers (i.e., technical, institutional, political or economic) are clearly defined.	The ER-PIN identifies several barriers to address identified drivers. These include lack of resources to implement sustainable management of forests, weak cross-sectoral coordination, need for capacity building, and lack of opportunities for alternative livelihoods, among others. The ER-PIN states these challenges should be improved not only by ERP related interventions, but also change in the national governance situation and implementation of the new constitution. (ER-PIN, p. 14).
	5c) Proposed ER Program interventions specifically target the main drivers and their related challenges.	The ER-PIN address most of the drivers and ER program related challenges mainly through forests under government management. It states alternative livelihoods could contribute to poverty reduction and it also provides specific solutions, such as improved stoves and biogas digesters to reduce pressure for fuel wood. Nevertheless, it does not present any comprehensive land reform or how policy reform and inter-sectoral harmonization would be carried out. The SESA identifies a number of policy reforms needed, but it is unclear to what extent the ER Program will be complemented (SESA, p. 14)

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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)	Yes; yes
	6b) The assessment of social and environmental considerations was conducted in a transparent and participatory manner	These results are only partially reflective of a robust participatory process, as budget limitations on the SESA prohibited extensive consultation, and unfortunately the sequencing was not timed to coincide with consultations around strategic options for the REDD+ strategy.
	6c) FPIC is presented as a requirement of the ESMF	The ESMF excludes an FPIC protocol and misinterprets the scope of World Bank policy 4.12 on involuntary resettlement, excluding the issue of restrictions on access to natural resources, one of the most common likely impacts of REDD+, in the discussion of resettlement action plans and frameworks.
	6d) The EMSF identifies key steps, including budget and timeline, to strengthen forest governance issues within the national legal framework	The ESMF doesn't not present a budget, nor a concrete timeline for program development and implementation.
	6e) The ER-PIN presence a credible grievance/dispute resolution mechanism, based on the FGRM assessment	The ER-PIN does not describe an operational grievance system, nor describe progress on this front during the readiness phase, and only mentions that a consultant will be contracted to undertake this work through the readiness grant (ER-PIN, p. 51).
	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 highlights the need for a SIS to meet World Bank safeguards requirements (ER-PIN, p. 50) and says an underway study will help develop specific REDD+ information mechanisms (ER-PIN, p. 59). The need for a SIS was explicit in the SESA (SESA, p. 149), but the mechanism is has not been designed yet.
	6g) Proposed safeguards adequately address the land and resource rights of indigenous peoples, forest communities and women	Despite little or no attention to gender issues in the ER-PIN, the recently completed SESA and ESMF have strong gender sections with concrete and practical recommendations which should be incorporated into the ER Program design process. For example, the SESA recognizes how restrictions on access to land to vulnerable groups such as women and IPs excludes their rights to benefits (SESA, p. 237) and states local-level consultations were held with vulnerable groups such as IPs and women to address specific issues (SESA, p. 36; see also Appendix 5). Proposed strategic options developed for SESA purposes include the need for gender-sensitive grievance-addressing mechanisms and the support for capacity building of relatively weaker actors (SESA, pp; 145; 149). Besides indigenous peoples and women, the SESA identifies other marginalized groups in Nepal, such as the Adibasi and Janajati Groups, or the Dalits, who suffer from caste discrimination or hierarchy (SESA, pp. 73-74).

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
Yellow	7a) The ER-PIN shows evidence of coordination across sectors, line ministries, and levels of government (local, sub-national, national).	National level REDD+ Apex bodies are established but not functioning well. Moreover, stakeholders have commented that coordination mechanisms are more symbolic than functional and that vertical coordination to sub-national and local levels remains a challenge.
Green	7b) The ER-PIN identifies opportunities for community-based interventions, including natural resource management, tenure recognition, and other dedicated REDD+ investments.	The ER program is predicated on community forestry user group (CFUG) implementation of most activities. Roles for CFUGs are proposed in community forest (CF), collaborative forest (CoFM), and buffer zone communities (around protected areas) for forest management and MRV (ER-PIN, p. 41-42).
Red	7c) The ER-PIN discusses efforts to combat corruption and the measures that will be used in the ER Program.	Given that corruption in the forest sector is widely reported to be a serious problem driving deforestation and forest degradation, there is not enough attention to these issues in the ER-PIN. The transfer of forests to community management will help, but other measures are likely needed.

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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 information management systems for REDD+ are not well reflected in ER-PIN and although the Nepal REDD+ Information Centre website has much useful information, it is not very up to date.
	The ER-PIN proposes mechanisms to independently and transparently:	
	- 8b) Monitor the social and environmental impacts of REDD+ investments;	b) Proposed systems for monitoring of social and environmental concerns are not well reflected in ER-PIN, but the REDD+ Social and Environmental Standards (SES) indicator framework for Nepal has been published and its application will be guided by a monitoring framework for this purpose.
-	- 8c) Monitor the application of safeguards via the Safeguard information system	c) There is no discussion in the ER-PIN of SIS development process.
-	- 8d) Monitor the effectiveness of governance-related interventions;	d) The ER-PIN does not address governance monitoring properly, but the RED+ SES has indicators on the subject. In addition, the ESMF for Nepal has a detailed section on monitoring that can form the basis of a system for the ER Program.
-	- 8e) Track and coordinate international finance flows;	e) The ER-PIN states that the GoN is developing a comprehensive REDD+ Program to include publically available information on not only ER location and carbon accounting, but also ownership and financial flows for national and sub-national projects and programs (ER-pin, p. 59).
-	- 8f) Monitor the distribution of carbon and non-carbon benefits	f) Despite describing monitoring carbon stocks (ER-PIN, p. 37-38), the ER-PIN does not describe the monitoring of related benefits. The ER-PIN does not propose a method to monitor non-carbon benefits, stating that monitoring methodologies will be developed in the course of ER Program design.

Section 3: OVERALL ASSESSMENT

Grade	Indicators	ER-PIN Assessment
Yellow	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.	Consultations processes suffered a series of limitations for reasons that include budget constriction. The ER program is predicated on community forestry user group (CFUG) implementation of most activities and on the proposal to transfer area of government managed forests in the area to CF and CoFM models, increasing usufruct rights of communities involved. These arrangements however, do not recognize full ownership of forest land by communities. Further development of the ER-Program is required for an evaluation of how the definition of rights to carbon and benefit sharing systems will affect local communities.
Red	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.	There is notice of malfunctioning of national level REDD+ Apex bodies and stakeholders evaluated that coordination mechanisms were more symbolic than functional; sector coordination is still a challenge and the ER-PIN does not describe concrete governance monitoring mechanisms.

ⁱ Jhaveri, N.J. & Adhikari, J. (2015). Nepal Land and Natural Resource Tenure Assessment for Proposed Emission Reductions Program in Terai Arc Landscape. Washington, DC: USAID Tenure and Global Climate Change Program. p.vii