

Rights and Resources Initiative
Peru ER-PIN Assessment
Date of 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.	

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 preparation of the ER Program is building off of R-PP and FIP processes (ER-PIN, p. 14). Using the Stakeholder Engagement Plan (PIA) from FIP process, the design process for ER-PIN included four meetings and two workshops with civil society and indigenous people's organizations (ER-PIN, p.41).
	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 states that further consultations will be held with REDD and Indigenous REDD Round Tables in San Martin and Ucayali (ER-PIN, p.14) and presents detailed timetables of activities (by year) (ER-PIN, p.19, p.46). Peru also has a relatively strong legal framework for participation, specifies a plan for reaching remote indigenous and local communities as well as mechanisms for continuing to build participatory platforms including "local environmental commissions" (ER-PIN, p. 44).

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2) Land and forest tenure

Grade	Indicators	ER-PIN Assessment
	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 SESA has not yet begun, but other related preparation work has begun to provide a better initial picture of tenure arrangements in the ERP geographical area (ER-PIN, p 66-67). Furthermore, regional socio-environmental assessments are proposed for each area of intervention (ER-PIN, p. 67).
	2b) Land and resource tenure assessments were publically vetted and endorsed by all concerned stakeholders;	The ER-PIN presents only a brief description of tenure arrangements (ER-PIN, p 66-67) and says the ERP will carry out land assessments. It also states discussions on land tenure, titling, and zoning, as well as potential risks have progressed, but does not present stakeholders' feedback (ER-PIN, p. 64). The International Land Coalition also indicates the lack of up-to-date data on concentration of land in Peru as a grave issue ¹ , a matter not dealt in the ER-PIN and that could pose serious challenges to the ERP.
	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 has a detailed discussion concerning conflicts around land and resource tenure. There are social risks, such as overwhelming migration to the region due to mining activities or other megaprojects. Furthermore, operational risks indicate that land planning might affect IPs and migrants, leading to the exclusion of migrants from projects due to lack of organization, and not including properly women and local organizations due to lack of resources. Conflict resolution mechanism is a stakeholder concern, however in the ER-PIN its development is still pending for completion (ER-PIN, p. 42; 18).
	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-PIN proposes to "prioritize the assigning of titles...especially to indigenous peoples, including requests for community expansion as well as those for new communities." It also states defining the legal status of land with uncertain rights should be given high priority, and that regional socio-environmental assessments be carried out in ERP area (ER-PIN, p. 67).

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	Rights to forest carbon have been legislated in the new Forest Law, which recognizes indigenous peoples rights to “exclusive use of the ecosystem goods and services associated with titled land or to which they have usufruct rights” (ER-PIN, p 66).
	3b) The process for dealing with contested and/or overlapping land, forest and carbon claims is defined.	The ER-PIN does not describe a specific process for dealing with carbon rights, but describes policy actions for dealing with tenure (See section 2d), which is linked with recognition of carbon rights.
	3c) The legal basis for the transfer of ER titles is defined.	There is no discussion of the ER title transfer issue.

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 ER-PIN states that the design of benefit sharing mechanisms are at an “early stage of preparation” (ER-PIN, p. 67). It will be built on the framework provided by the new Forestry Law and proposes the formation of a national fund, committing to a participatory process to achieve broad support (ER-PIN, p. 68).
	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 discusses potential for the benefit sharing system to include non-carbon benefits, which potentially can be factored into the price of emission reductions. A number of non-carbon benefits have been identified through R-PP, ER-PIN and FIP consultations (p.70) and incorporated into selection criteria for the ER Program areas. It identifies a series of possible indicators for non-carbon benefits, including around improved land titling, improved forest governance and empowerment of indigenous peoples and define criterion for prioritizing benefits (ER-PIN, p.70-71).
	4c) The benefit sharing mechanisms outlined in the ER-PIN are broadly supported by indigenous and forest dependent communities, including women.	The ER-PIN notes that achieving consensus on distribution of benefits among a myriad of regional and local actors could be lengthy, but commits to a participatory approach (ER-PIN, p. 68). It says the New Forestry Law will provide the basis for participatory benefit-sharing arrangements (ER-PIN, p. 68) and that consultations concerning benefit distribution should have been held in 2014-2015 (ER-PIN, p. 19). No information on the actual events was found. It does not show any sign of stakeholder support for the mechanism, however, and the SESA has not been completed.

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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 government presented deforestation rates over the period 2000-2011 (ER-PIN, p.25). These rates are in accordance with the cited report from FAO, but it is not up-to-date and does not provide consistent information on the drivers. Moreover, it lists small-scale agriculture as a primary driver (ER-PIN, pp. 26; 31), and does not present stakeholder feedback.
	5b) Challenges to overcoming identified drivers (i.e., technical, institutional, political or economic) are clearly defined.	The ER-PIN has identifies as drivers and related challenges. Some challenges are uncertain concerning tenure and shifting cultivation and weak governance (ER-PIN, p. 25).
	5c) Proposed ER Program interventions specifically target the main drivers and their related challenges.	The proposed ER Program proposes an integrated territorial landscapes approach, including components to title the remaining untitled indigenous and community lands in ERP area. It also proposes investments in the enabling conditions at the national, regional and local levels to improve forest governance, the development of sustainable forest management and strengthening of capacities for sustainable economic development and access to new green markets (ER-PIN, p. 37).

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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.	At the time of the ER-PIN further assessment and development of a grievance mechanism for REDD+ had not yet begun either, but a number of institutional options and mechanisms exist which can be built on- including the Office of the Ombudsmen (Defensoria del Pueblo) and an office of social and environmental affairs at MINAM, all of which however have different norms and none with a mandate for providing redress for grievance around REDD+ programming (ER-PIN, p.65).
	6f) The ER-PIN describes the design of the Safeguard Information System and its application in the context of the ER-P.	There is little discussion in the ER-PIN of the design process for the national Safeguard Information System, but it is stated that the National REDD+ Initiative Registry should also track information on social and environmental impacts.
	6g) Proposed safeguards adequately address the land and resource rights of indigenous peoples, forest communities and women	Some social and environmental safeguards are already embedded in national law, such as the prior consultation law and the system for environmental impact evaluation, and the SESA is conceived of as contributing to the strengthening of safeguards in policy, law and regulation (ER-PIN, p.64). Participatory workshops on safeguards carried out with support from the UNREDD program have engaged local indigenous stakeholders in identifying needs and developing action plans at the regional level. In addition, the ER-PIN identifies indicators for assessing access of vulnerable groups to benefits and land reform, such as percentage of rural women participating in ERP activities and number of land titles granted to IPs (ER-PIN, pp. 71-72).

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).	The ER-PIN states governance arrangements will be based in approaches still under development, such as the national REDD+ strategy (ER-PIN, pp. 13-14). Still, in the ER-PIN, Peru recognizes that it suffers from weak forest governance due to the scarce presence of the state in many Amazon regions and lack of capacity (budget, personnel) to manage, monitor and enforce existing forest policy on the ground (ER-PIN, p.32, see also, ER-PIN, p.46).
	7b) The ER-PIN identifies opportunities for community-based interventions, including natural resource management, tenure recognition, and other dedicated REDD+ investments.	The ER-PIN proposes an integrated territorial and sustainable landscapes approach, including indigenous communities (ER-PIN, p.34), with an emphasis on granting rights to forest land and the expansion of community forest management; Local environmental commissions (LECs) are to be formed in communities, a role is envisioned in monitoring for indigenous communities. The lack of resources among local organizations is however identified as operational risks (ER-PIN, p.39)
	7c) The ER-PIN discusses efforts to combat corruption and the measures that will be used in the ER Program.	There is no discussion of corruption issues in the forest sector as either a driver of deforestation or forest degradation or a barrier to REDD+, despite well publicized recent cases particularly relating to the administration of logging concessions, which may well expand under the ER Program.

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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+	There is not a well-developed discussion of current information management systems for REDD+ in the ER-PIN, which appear to be mostly following the stakeholder engagement plan developed under the FIP and have been characterized in the past by late dissemination of documents to REDD+ roundtables. MINAM has established a few websites with a large amount of information, maintenance/updating appears to have dropped off over the past two years however.
	The ER-PIN proposes mechanisms to independently and transparently:	
	8b) Monitor the social and environmental impacts of REDD+ investments;	b) The ER-PIN proposes incorporation of social, environmental and governance indicators into the National REDD+ Initiatives Registry (ER-PIN, p. 71; See also Table 23). A robust role for indigenous communities is proposed in forest and ecosystem services monitoring, in which local groups will be both generating and verifying information, as well as using it. AIDSESEP Indigenous REDD+ proposals will also function as an independent oversight mechanism.
	8c) Monitor the application of safeguards via the Safeguard information system	c) National REDD+ Initiatives Registry should track safeguards (ER-PIN, p. 73)
	8d) Monitor the effectiveness of governance-related interventions;	d) The National REDD+ Initiatives Registry should also incorporate indicators on governance (ER-PIN, p. 71).
	8e) Track and coordinate international finance flows;	e) The National REDD+ Initiatives Registry should also track finance for REDD+, but it does not describe how transparency and accountability would be put to place (ER-PIN, p. 73).
	8f) Monitor the distribution of carbon and non-carbon benefits	f) The National REDD+ Initiatives Registry could eventually include information on non-carbon benefits, but there is no notice of a monitoring mechanism itself for benefit sharing.

Section 3: OVERALL ASSESSMENT

Grade	Indicators	ER-PIN Assessment
	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.	Despite the early stage of implementation of the ERP previous Stakeholder Engagement Plan (PIA) has helped including inputs from IPs and local communities in the design of the program. The program also seems to prioritize assigning of titles in IPs territories, what would be essential in determining IP's benefits from the program. The ERP still lacks, however, a robust land and resource tenure assessment, which are directly linked with those rights.
	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.	The ERP still lacks a credible plan for addressing governance in the Amazon region and does not describe feasible governance and monitoring plans for the region, even though it does describe governance schemes.

¹ International Land Coalition. 2011. The process of land Concentration in Peru. Available at:
http://www.landcoalition.org/sites/default/files/documents/resources/PERU_ENG_web_21.06.11%202.pdf p. 11