



## Guatemala Forest Protocol for Offset Credits V1.0 Workgroup Meeting Notes and Takeaways

Workgroup Meeting #1 Notes – 04/26/2023 | 11:00 – 1:00 pm (Guatemala time)

**Reserve Assistants:** Amy Kessler, Miguel Delgado, Claudia Jurado, Abbey Garcia, Celeste Melendez

**External consultants:** Alberto Ramirez

[Link to review the recording](#)

### Workgroup Members in attendance:

| Organization (alphabetically) | Name                           | Present (P) or Absent (A) |
|-------------------------------|--------------------------------|---------------------------|
| Agroproyectos S.A.            | Silverio Espino                | P                         |
| Asociación SOPLANETSH         | Xiomara Villeda                | P                         |
| BRET CONSULTORES              | Teresa Tattersfield            | P                         |
| Carbonof                      | Geronimo Quiñonez Barraza      | P                         |
| Climate Impact Partners       | Eddy Melendez                  | P                         |
| Consultor Independiente       | Carlos Renaldo Bonilla Alarcón | P                         |
| Consultor Independiente       | Aristides Lara                 | P                         |
| Consultor Independiente       | Teodoro Si Cuc                 | P                         |
| Cool Effect                   | Rafael Mendoza                 | P                         |
| EARTHLAB                      | Oscar Ruiz (suplente)          | P                         |
| Fundación Solar               | Hugo Romeo Arriaza Moralesa    | P                         |
| Itsmo Verde                   | Ivan Barrientos                | P                         |
| Karbone, Inc.                 | Ariela Farchi Behar            | P                         |
| MÉXICO2                       | Alejandra Blanco               | P                         |
| Munnings Advisory Group LLC   | Alicia Robinson                | P                         |
| Swisscontact                  | Andrea Mazariegos              | P                         |
| The Nature Conservancy        | Sara Ortiz                     | P                         |
| Universidad Rafael Landívar   | Roberto Moya Fernández         | P                         |
| WRI                           | Rene Ibarra                    | P                         |
| YAAX Carbon                   | Johny Romero Correa            | P                         |

### Agenda:

1. Presentations
2. Process Overview
3. Key Considerations for Eligibility
  1. Project and activity areas
  2. Eligible activities
  3. Safeguards

4. Land Tenure
4. Questions, comments, and next steps

### **Main Points of Discussion and Decisions Made:**

#### **1. Project area and activity area eligibility?**

- The Workgroup agreed with the inclusion of the landscape approach to project design and the inclusion of "Project Area" and "Activity Area", allowing for multiple activities to be included in one project.

#### **2. Land Tenure Categories in Guatemala**

- The Workgroup agreed with the general categories of land tenure in Guatemala.

#### **3. Private Land**

- The Workgroup agreed that private property should be an eligible landowner category within the Protocol and has clear land title documentation.
- The Workgroup clarified that the legal instrument that endorses private property is the property title registered with the General Property Registry.
- The Workgroup noted that there are no limitations (temporal or other) in private property.
- A member of the Workgroup suggested requesting the certificate of free lien to ensure the permanence of the project.

#### **4. Public Lands**

- The Workgroup agreed that public ownership should be an eligible category within the protocol when there is a clear land title.
- The Workgroup clarified that the correct term used in Guatemala is central government rather than federal and departments instead of states.
- The Workgroup clarified that possession of right and real rights are often used during the process of obtaining land titles or in lieu of due to the difficulty in obtaining land titles. The rights of possession are certified by the municipality to grant the rights to a third-party to manage the land without any temporal limitation. The possession rights have clear demarcation of the land the third-party has the authority to manage and the possession rights are most often registered with the municipality. The possession of rights are not affected by the change of the municipal government.
  - **Clarification:** The Reserve received a comment from a WG member to clarify that Real Rights are subject to be registered in the General Registry of Real Property of Guatemala (RGPIG), legally stipulated in Article 1124, Civil Code. Meanwhile, possession rights include "the possession in proper title, acquired in good faith, in a continuous, public, peaceful manner and for the time indicated by law" (Article 612, Civil Code). At the end of the legal process, the owner may register their property with the RGPIG. In which case, the landowner will obtain real rights.

- The Reserve requested to clarify if this interpretation is correct and if there is any registry/entity where the possession rights can be verified.
- The Reserve requested clarification on the registry of public land conflict disputes.

## 5. Communal property (indigenous and rural)

- The Workgroup agreed that communal lands with clear land title should be an eligible category within the protocol.
- The Workgroup explained that in Guatemala there are lands with concessions granted to conserve forests and communal properties, which in many cases have their ownership rights according to agreements with the municipality. The Reserve requested further clarification on how concessions are managed in Guatemala.
  - **Clarification:** The Reserve received a comment from a WG member to clarify that concessions are defined as: "the power that the State grants to Guatemalan persons, individuals or legal entities, so that they may carry out forest harvesting activities on state-owned forests with the rights and obligations agreed upon in the concession, in accordance with the law" (Legislative Decree 101.96, Forestry Law). The concessions are also limited to a specific period of time established in the concession.
- The Workgroup noted that there are cooperatives formed by communities. The Reserve requested clarification regarding how cooperatives work and the implications regarding land titles.
  - **Clarification:** The Reserve received a comment from a WG member to clarify that cooperatives are a legal figure and do not necessarily imply landownership. By definition, "cooperatives are associations that own an economic enterprise at the service of their associates, which are governed in their organization and operation" General Law of Cooperatives, Decree 82-78.
- The Workgroup explained that communities often have legal agreements with the municipalities granting authority to the community to manage the land. and the municipal agreements are registered in the municipality and/or in the *Libro de Actas de los Ayuntamientos Indígenas*. In some instances, communities may have property titles registered in the General Registry of Property. The Reserve requested further clarification on the municipal agreements and where they are registered.
  - **Clarification:** The Reserve received a comment from a WG member to clarify that communal lands are governed and defined in Article 23 and 65 of the Cadastral Information Registry Law. By definition, "Communal lands: Lands owned, possessed or held by indigenous or peasant communities as collective entities, with or without legal personality. In addition, these lands include those that are registered in the name of the State or municipalities, but which have been traditionally owned under the communal regime. [...] If during the process of cadastral establishment, the communal ownership, or possession is determined, RICs will recognize and declare communal lands and issue certificates for whatever is appropriate and, if necessary, order the registration."
- The Reserve clarified that the credits are issued to the forest owner who has the carbon rights and the ability to manage the forest. Furthermore, it is important to ensure that there are no land ownership conflicts or disputes.

- The Workgroup clarified that there is a clear demarcation of communal lands with municipal agreements, where communities have unlimited authority to manage their forest lands according to these agreements. In addition, property titles are not affected by changes in municipal administration.
- Regarding the land conflict disputes, the Reserve understands that there is no central registry for land conflict disputes, although the Workgroup explained that there is a national cadastral registry that identifies the conflict zones of the 168 municipalities in Guatemala. The Reserve requested further clarification on the agency/registry of land conflict disputes, the process for registering disputes, how often information is updated, and how to access it in the event of a dispute.

## **6. Potential Eligible Activities**

- The Reserve introduced the activities proposed (Agroforestry and Silvopastoral Systems, Improved Forest Management, Reforestation, Restoration, and Urban Forests) to be considered within the protocol.
- The Reserve advised the Workgroup that the eligible activities will be reviewed in greater detail during the next meeting.

### **Pending Questions for the Workgroup:**

- Please provide a legal definition or the legal framework for possession rights in Guatemala. Please clarify if there is a public registry where possession rights can be verified. An example and/or link to a public registry if available would be helpful.
- Clarification on public lands concessions granted to conserve forests and communal properties.
- Please clarify if there is a difference between possession rights and municipal agreements granted to communities to manage their lands. The legal framework and an example of each would be helpful.
- Please clarify if there is a difference between possession rights and concessions granted to communities to manage their lands. The legal framework and an example of a concession would be helpful.
- Please clarify if cooperatives are a legal land tenure category, and if so, please clarify the land tenure documentation and registry of such documentation.
- Please confirm if the national cadastral registry is the registry of land conflict disputes. Please provide a link to the public registry if possible. Please clarify the process for registering disputes, how often the national cadastral registry is updated, and how to access it in the event of a dispute.