

10 March 2010

Turid Johansen Arnegaard
Senior Advisor, Indigenous Peoples Issues
Peace, Gender and Democracy Department
Norwegian Agency for Development Cooperation
P.O. Box 8034 Dep, 0030
OSLO
Norway

Dear Ms. Johansen Arnegaard:

The undersigned are writing to express a number of concerns that we have about the Guyana-Norway Memorandum of Understanding of 09 November 2009 (MOU) and the larger Low Carbon Development Strategy/REDD+ plans (LCDS/REDD+) currently being elaborated by the Government of Guyana (GoG). These concerns all relate to the rights of indigenous peoples and how these rights will be guaranteed and protected in the implementation of the MOU and the larger LCDS/REDD+ plans. These concerns are crucially important to the sustainability of LCDS/REDD+, but have yet to be adequately addressed. While we fully support culturally appropriate sustainable development and reducing carbon emissions, we do not believe that the LCDS/REDD+ initiatives should be done (yet again) at the expense of indigenous peoples' rights. For the reasons stated below, we are greatly concerned that this will be the likely outcome of LCDS/REDD+ in Guyana if current plans are followed.

Our concerns can be divided into the following categories: 1) the lack of an adequate legal framework that recognises, respects and protects the rights of indigenous peoples in accordance with Guyana's international human rights obligations; and 2) the absence of any meaningful participation by indigenous peoples in decision making on LCDS/REDD+ to date. We conclude with a recommendation for future action aimed at correcting the perceived defects.

I. The Extant Legal Framework is Inadequate

Our main concern relates to adequacy of the existing legal framework for the protection of indigenous peoples' rights in Guyana, particularly as it pertains to the regularisation and protection of indigenous peoples' rights to own and control their traditional lands, territories and resources. We note in this respect, that the MOU and all GoG submissions to the World Bank's Forest Carbon Partnership Facility (FCPF) make clear that indigenous peoples' rights are understood only in terms of Guyana's existing legislative and constitutional framework. This remains the case despite repeated, but unqualified, reference to "indigenous peoples' rights" and the UN Declaration on the Rights of Indigenous Peoples. The MOU, for instance, provides that a system should be developed to report on "how the Constitutional protection of the rights of indigenous peoples and local communities are facilitated within the framework of Guyana's REDD-plus efforts."¹

¹ *Memorandum of Understanding between the Government of the Cooperative Republic of Guyana and the Government of the Kingdom of Norway regarding Cooperation on Issues related to the Fight against Climate Change, the Protection of Biodiversity and the Enhancement of Sustainable Development, Joint Concept Note, 9 November 2009 ("Guyana-Norway MOU"), at 16. See also p.*

The underlying assumption in both the GoG's submissions to the FCPF and the Guyana-Norway MOU appears to be that the extant legal framework is adequate, both in terms of its recognition and protection of indigenous peoples' rights and in the context of LCDS/REDD+ implementation more generally. However, both the World Bank and the UN Committee on the Elimination of Racial Discrimination (CERD) have rejected the adequacy of critically important parts of the *Amerindian Act* 2006 and other important elements of Guyana's constitutional framework. At the very least, these findings call into question key assumptions in FCPF submissions and the MOU that should provoke, again at the very least, a serious examination of these issues by independent and qualified experts with the full participation of indigenous peoples' freely chosen representatives. We believe that further action is required and the *Amerindian Act*, as it pertains to regularisation of indigenous peoples' lands and other issues, must be amended to ensure consistency with Guyana's international human rights obligations as a prior condition to any financing of further LCDS/REDD+ activities.

A. The World Bank has previously rejected the 2006 *Amerindian Act*

A 2008 World Bank study entitled *The Role of Indigenous Peoples in Biodiversity Conservation* underscores and supports the views and concerns raised in the previous paragraph. Discussing why the proposed World Bank/GEF Guyana/National Protected Areas System Project (G/NPAS project) "failed," the study emphasises, based on the World Bank's experience in Guyana, that:

The country legislation to protect Indigenous Peoples' rights is weak and the Bank is not able to change the framework that is in place to have adequate recognition of indigenous rights;² and

When issues of land tenure are not adequately addressed, much distrust exists between indigenous groups and other actors and the projects struggle taking off.³

Considering that the World Bank rejected the adequacy of the *Amerindian Act* in the G/NPAS project and that this law has not changed in any way since this determination was made, it is unclear why this law has not again been deemed inadequate in the current context. The defects in the *Amerindian Act* that are implicated in the G/NPAS project are no different than those implicated in LCDS/REDD+, yet these issues are not mentioned anywhere in the MOU or FCPF submissions, and nor have they been raised, at least in public, by the World Bank or the Norwegian Government (GoN).

The same World Bank study concludes the following more generally based on the Bank's review of its portfolio of biodiversity conservation projects that affect indigenous peoples:

Many projects that experienced conflicts did so because indigenous lands claims were not initially addressed (Peru, Guyana, Cameroon);

² C. Sobrevilla, *The Role of Indigenous Peoples in Biodiversity Conservation. The Natural but often Forgotten Partners*. The World Bank: Washington D.C., May 2008, at p. 41. Available at: <http://siteresources.worldbank.org/INTBIODIVERSITY/Resources/RoleofIndigenousPeoplesinBiodiversityConservation.pdf>.

³ *Id.* at p. 42.

The cases reviewed in this study show that empowering Indigenous Peoples to manage biodiversity in their own territories has resulted in a more sustained and cost effective way to protect biodiversity;

There is a need to ensure that prior consultation, participation, and consent procedures are designed to be acceptable to the Indigenous Peoples and are culturally appropriate. One of the best practices is to establish signed formal agreements between indigenous organizations and the government authorities before the project starts (Venezuela, Central America).⁴

The World Bank study's specific findings on Guyana and in general strongly support the need for an adequate legal framework that is consistent with indigenous peoples' rights in international law and highlight that the *Amerindian Act* does not satisfy this requirement. It further emphasises the need for a prior, "initial" resolution of land rights issues – presumably also in a manner that is consistent with indigenous peoples' internationally guaranteed rights; the need to obtain indigenous peoples' consent; and that recognising and respecting indigenous peoples' right to (continue to) control and manage their territories results in "a more sustained and cost effective way to protect biodiversity." However, as discussed below, the *Amerindian Act* is severely deficient with respect to the adequate recognition of and respect for indigenous peoples' rights to own and control their traditionally owned lands, territories and resources. For this and other reasons (discussed below), it also does not provide an adequate framework for seeking and obtaining indigenous peoples' free, prior and informed consent, a right that the GoG says it will fully uphold in LCDS/REDD+.⁵

B. The Committee on the Elimination of Racial Discrimination holds that crucially important sections of the *Amerindian Act* 2006 are incompatible with indigenous peoples' rights

The World Bank is not the only international body to have rejected key provisions of the *Amerindian Act*. In 2006, CERD also found that many of that law's provisions are incompatible with the International Convention on the Elimination of All Forms of Racial Discrimination. This treaty is in force for Guyana and is incorporated into domestic law by virtue of Section 154A of Guyana's Constitution (this provision however contains a number of serious defects that may limit its effectiveness).⁶

Notwithstanding these commitments, Guyana has failed to comply with any of CERD's recommendations some four years after they were issued.

⁴ *Id.* at xiii.

⁵ Guyana-Norway MOU, Joint Concept Note, at p. 8

⁶ *Constitution (Amendment)(No.2) Act*, No. 10 of 2003, Sec. 154A(1) and Fourth Schedule. Article 154A, subparagraph 3, contains a major defect and provides that "The State shall, having regard to the socio-cultural level of development of the society, take reasonable legislative and other measures within its available resources to achieve the progressive realization of the rights provided for in paragraph (1)." However, the majority of the rights at issue are of immediate application and not subject to progressive realization based on resource availability (or level of socio-cultural development). Even those rights that may be so categorized contain core obligations that are of immediate application. The obligation not to discriminate is also an immediate obligation, both alone and in connection with other rights, including those characterised as economic, social and cultural rights.

CERD's findings indicate that the *Amerindian Act* is not only inadequate in terms of the recognition and protection of indigenous peoples' rights, but also that the Act discriminates against indigenous peoples.⁷ A similar finding was also made in relation to an extant provision of Guyana's Constitution.⁸ Neither the *Amerindian Act* nor the Constitution has been amended since these findings were made in 2006 in connection with a review of Guyana's periodic report to the CERD. Nor have they changed since CERD raised many of the same issues under its 'follow-up procedure' in August 2008.⁹ The GoN's failure to raise these issues may make it complicit in future violations of indigenous peoples' rights in Guyana, and Norway's acts and omissions may also be raised before CERD under its early warning and urgent action procedures.¹⁰

CERD is especially concerned that the land rights provisions in the *Amerindian Act* are divorced from any specification of what rights indigenous peoples in Guyana have in and to their traditional territories. The absence of enumerated rights to lands, territories and resources grants the Minister of Amerindian Affairs unfettered discretion to determine the areas to be titled to indigenous communities and, likewise, provides little ground for appeal of the Minister's decision before the judiciary. Indigenous *peoples* cannot hold title as such because the Act only permits individual villages to obtain title: the only exceptions being Karasabai, for historical reasons, and the Wai Wai titled area, but only because there is only one Wai Wai community in Guyana. The Act also contains a series of restrictions to the title granted and limits the indigenous communities which may obtain title to those having a certain population size and residency in the same location for more than 25 years. With regard to these points, CERD, *inter alia*, states that it

is deeply concerned about the lack of legal recognition of the rights of ownership and possession of indigenous communities over the lands which they traditionally occupy and about the State party's practice of granting land titles excluding bodies of waters and subsoil resources to indigenous communities on the basis of numerical and other criteria not necessarily in accordance with the traditions of indigenous communities concerned, thereby depriving untitled and ineligible communities of rights to lands they traditionally occupy.¹¹

⁷ *Concluding Observations of the Committee on the Elimination of Racial Discrimination: Guyana*. UN Doc. CERD/C/GUY/CO/14, 4 April 2006. Available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G06/411/77/PDF/G0641177.pdf?OpenElement>. See also

⁸ *Id.* para. 17 (noting "with concern the extensive exception to the protection of property in Article 142(2)(b)(i) of the Constitution of Guyana, authorizing the compulsory taking of the property of Amerindians without compensation 'for the purpose of its care, protection and management or any right, title or interest held by any person in or over any lands situated in an Amerindian District, Area or Village established under the Amerindian Act for the purpose of effecting the termination or transfer thereof for the benefit of an Amerindian community'").

⁹ *Communication of the Committee to Guyana, Follow Up procedure*, 15 August 2008. Available at: http://www2.ohchr.org/english/bodies/cerd/docs/Guyana_letter150808.pdf. Guyana's response to CERD is available at: <http://www2.ohchr.org/english/bodies/cerd/docs/followup/CERD.C.GUY.CO.14.Add1.doc>.

¹⁰ For CERD jurisprudence holding states accountable for their extra-territorial acts and omissions, see *inter alia* *Concluding Observations of the Committee on the Elimination of Racial Discrimination: Canada*. UN Doc. CERD/C/CAN/CO/18, 25 May 2007, para. 17; *Concluding Observations of the Committee on the Elimination of Racial Discrimination: United States of America*. UN Doc. CERD/C/USA/CO/6, 08 May 2008, para. 30; and *Communication of the Committee to Niger, Urgent Action and Early Warning Procedures*, 28 September 2009. Available at: http://www2.ohchr.org/english/bodies/cerd/docs/early_warning/Niger28092009.pdf. The Committee on Economic, Social and Cultural Rights also questions state parties about the extent to which human rights concerns have been accounted for in their overseas development aid programmes.

¹¹ *Concluding Observations of the Committee on the Elimination of Racial Discrimination: Guyana*. UN Doc. CERD/C/GUY/CO/14, 4 April 2006, at para. 16.

CERD consequently recommends that Guyana

recognize and protect the rights of all indigenous communities to own, develop and control the lands which they traditionally occupy, including water and subsoil resources.... It also urges the State party, in consultation with the indigenous communities concerned, (a) to demarcate or otherwise identify the lands which they traditionally occupy or use, (b) to establish adequate procedures, and to define clear and just criteria to resolve land claims by indigenous communities within the domestic judicial system while taking due account of relevant indigenous customary laws.¹²

International law, and especially inter-American human rights law, is clear that indigenous peoples have a right to own, control, manage and peacefully enjoy their traditionally owned lands, territories and resources. The term ‘traditionally owned’ refers to indigenous lands and territories that are owned pursuant to indigenous peoples’ customary laws and tenure systems.¹³ Consequently, international human rights tribunals and bodies have repeatedly held that indigenous peoples’ property rights derive from their own laws, their land tenure systems, and their traditional occupation and use, and that these rights are valid and enforceable absent formal recognition in national laws.¹⁴ In the 2006 *Sawhoyamaxa Indigenous Community* case, for instance,¹⁵ the Inter-American Court of Human Rights observed that its jurisprudence holds that “traditional indigenous land ownership is equivalent to full title granted by the State” and includes the “right to demand official recognition of their property and its consequent registration.”¹⁶ States have a corresponding obligation to delimit, demarcate and title indigenous lands in accordance with these customary laws and tenure systems.¹⁷

In Guyana however, the State does not anywhere explicitly recognise that indigenous peoples have inherent rights to their lands – these instead are ‘granted’ by the State – and titles are issued solely on the basis of an exercise of unrestrained Ministerial discretion that is divorced from any consideration of indigenous peoples’ internationally guaranteed rights. It is not unusual, for instance, for indigenous communities to be told that their requests for title are ‘too big’ and must be made smaller to receive Ministerial sanction. Often the measure employed by the Ministry seems to be whether the title is ‘larger than Barbados’, an area of 166 square miles, and this has been communicated to communities as part of the land titling process.

¹² *Id.*

¹³ See *inter alia* *Sawhoyamaxa Indigenous Community v. Paraguay*, 29 March 2006. Series C No. 146, para. 248; and *Report No. 40/04, Maya Indigenous Communities of the Toledo District*, Case 12.053 (Belize), 12 October 2004, at para. 117 (observing that ‘the jurisprudence of the system has acknowledged that the property rights of indigenous peoples are not defined exclusively by entitlements within a State’s formal legal regime, but also include that indigenous communal property that arises from and is grounded in indigenous custom and tradition’).

¹⁴ In the *Mary and Carrie Dann Case*, for instance, the Inter-American Commission on Human Rights observed that “general international legal principles’ applicable to indigenous peoples include the right ‘to legal recognition of their varied and specific forms and modalities of their control, ownership, use and enjoyment of territories and property.” *Report N° 75/02, Mary and Carrie Dann* (United States), Case N° 11.140, 27 December 2002, at para. 130-31 (footnotes omitted).

¹⁵ *Sawhoyamaxa Indigenous Community*, *supra*, para. 248.

¹⁶ *Id.* at para. 128.

¹⁷ For example, in the landmark *Mayagna (Sumo) Indigenous Community of Awas Tingni v. Nicaragua* case, the Court ordered that “the State must adopt the legislative, administrative, and any other measures required to create an effective mechanism for delimitation, demarcation, and titling of the property of indigenous communities, in accordance with their customary law, values, customs and mores.” *Mayagna (Sumo) Awas Tingni Community Case*, August 31, 2001, Series C No 79, at para. 164.

Directly contradicting CERD's twice reiterated recommendations, a number of indigenous communities have also been told that they are ineligible to receive title because of their population size or length of residency, and rivers and creeks continue to be excluded from titles without valid justification.¹⁸

In short, the land titling procedure under the *Amerindian Act* permits the State to issue title to whatever area of land it sees fit; to exclude rivers and creeks and other elements from the title altogether; is completely divorced from traditional tenure systems and laws as the basis for delimitation, demarcation and titling; and is devoid of specified rights that could act to constrain the Minister's discretion or provide a meaningful basis for an appeal to the judiciary. As CERD recommends, indigenous peoples in Guyana are in desperate need of "adequate procedures, and ... clear and just criteria to resolve land claims ... while taking due account of relevant indigenous customary laws."¹⁹ Guyana's laws are manifestly incompatible with these basic principles, which are also reflected in the UN Declaration on the Rights of Indigenous Peoples (Arts. 25-28).

The failure to delimit, demarcate and title indigenous peoples' lands, territories and resources in accordance with customary law and tenure, rather than the whim of the Minister of Amerindian Affairs, also fundamentally affects Guyana's ability to comply with indigenous peoples' right to free, prior and informed consent.²⁰ The full exercise of this right is largely dependent on a full and adequate recognition of indigenous peoples' traditional ownership rights, particularly in Guyana where its exercise is limited to titled areas. If the titled areas are not properly delimited and demarcated by fully taking into account customary tenure systems, potentially substantial areas may be excluded from the requirement that consent be obtained. This is the situation now in Guyana and it will persist should Guyana not correct the serious defects in the *Amerindian Act's* land titling process. Both the World Bank and the CERD consider that the *Amerindian Act* is not adequate in this respect, a conclusion that we believe to be unassailable, and, again, it is difficult to understand why this law continues to be accepted a valid basis for regularising indigenous peoples' rights in LCDS/REDD+ and the MOU between the GoG and GoN.

There are additional problems in the *Amerindian Act* with respect to obtaining indigenous peoples' consent and, more generally, with respect for indigenous peoples' right to autonomy and self-government within the framework of the right to self-determination and the Guyanese State. CERD, for instance, has expressed its "deep concern that, under the *Amerindian Act* (2006), decisions taken by the Village Councils of indigenous communities concerning, *inter alia*, scientific research and large scale mining on their lands, as well as taxation, are subject to approval and/or gazetting by the competent Minister, and that indigenous communities without any land title ('untitled communities') are also not entitled to a Village Council."²¹ It recommends that Guyana instead supports "the establishment of Village Councils or other appropriate institutions in all indigenous communities, vested with the powers necessary for the self-administration and the control

¹⁸ e.g. Amerindian satellite communities and hamlets in Region 9

¹⁹ *Concluding Observations of the Committee on the Elimination of Racial Discrimination: Guyana*. UN Doc. CERD/C/GUY/CO/14, 4 April 2006, at para. 16.

²⁰ Guyana-Norway MOU, Joint Concept Note, 9 November 2009, at p. 8 (stating that "Guyana's policy is to enable indigenous communities to choose whether and how to opt in to the REDD-plus/LCDS process only when communities wish to do so, in accordance with Guyana's policy of respecting the free, prior and informed consent of these communities").

²¹ *Concluding Observations of the Committee on the Elimination of Racial Discrimination: Guyana*, at para. 15

of the use, management and conservation of traditional lands and resources.”²² The 18 expert members of CERD clearly concluded that the *Amerindian Act* does neither adequately.

The MOU emphasises that “Guyana has expressed the urgency of accelerating th[e] process [of demarcating and extending indigenous peoples’ land titles], and sees REDD-plus as an opportunity to achieve this.”²³ While this aim is appropriate, the method employed by the GoG, as currently set out in the *Amerindian Act*, is incompatible with indigenous peoples’ rights and provides no guarantee that these issues will be addressed and resolved in a durable manner that respects indigenous peoples’ rights, and in particular in a manner that will avoid future conflict. These defects are further exacerbated when it is understood that the delimitation and titling of indigenous lands in a manner that is inconsistent with international standards will also fundamentally undermine the effective application of the right of indigenous peoples to free, prior and informed consent.

As it stands now, large areas of indigenous lands, lands that they continue to maintain deep relationships with, are not recognised and titled to indigenous peoples, and their right to consent to activities that may affect these lands is also not recognised. While Guyana has expressed a commitment to respect the right to consent, particularly in terms of indigenous peoples’ exercising a choice about whether to ‘opt-in or opt out’ of LCDS/REDD+, this commitment cannot be fully adhered to unless the land titling process is also corrected to bring it into line with Guyana’s international obligations. Yet, neither the MOU nor any of the submissions to the FCPF mention this issue, and there appears to be little effort directed towards correcting this fundamental problem.

II. There has not been adequate participation in decision making to date

The process of discussing LCDS/REDD+ in Guyana, while lauded by the GoG and a few others, has not adequately informed indigenous peoples and has not secured their effective participation in decision making to date. This does not bode well for the long-term sustainability and the effectiveness of LCDS/REDD+ in Guyana and is contrary to the rights of indigenous peoples. The right to participate is triggered at the very earliest stages of the project not after the parameters have been unilaterally predetermined by the State.

Recent official outreach efforts on LCDS have not met required standards for good faith public consultation as meetings have been rushed (often just a few hours), documents have not been supplied with sufficient time prior to meetings and translation support to facilitate meetings has been absent or weak (without prior training of local Amerindian translators in technical climate change and REDD-plus terms etc). Indeed, several shortcomings in the LCDS outreach process have been documented by the independent international observers monitoring the LCDS for Norway.²⁴

Moreover, the GoG has shown an undue reliance on only one organisation in LCDS/REDD+ discussions, the National Toshias Council, without ensuring that this organisation has been legitimately identified by indigenous peoples’ as their freely chosen

²² *Id.*

²³ Guyana-Norway MOU, at p. 17.

²⁴ Dow J, Radzik V, and Macqueen D, *Independent Review of the Stakeholder Consultation Process for Guyana’s Low Carbon Development Strategy (LCDS)* IIED, October 2009, at page 6.

representative with respect to LCDS/REDD+, as is required by international law. The National Toshias Council is an important statutory body, governed by the *Amerindian Act*, but the views of its executive members, or any one member thereof, must not be substituted for the freely expressed views of all indigenous peoples in Guyana.

III. Conclusions and Recommendations

To conclude, protecting forests in Guyana is in the interest of the nation and the world given the role of forests in carbon sequestration and other ecosystem services. We fully endorse the notion that Guyanese people should benefit from any payments that may be made to protect forests in Guyana. A significant percentage of these forests however are owned by indigenous peoples, both by virtue of title issued by the Guyanese State and also by virtue of their traditional ownership, which is protected by international human rights law and obliges Guyana to fully recognise and secure the exercise and enjoyment of indigenous peoples' rights on an equal footing. While Guyana often talks about the number of villages that hold title, the percentage of Guyana covered by these titles, and the need to complete *its* process of demarcation, these statements neither dispose of this issue and nor are they the correct line of analysis.

The appropriate question would be: have indigenous peoples' lands and territories been delimited, demarcated and titled in accordance with their customary tenure systems and laws as is required by Guyana's international obligations? The answer in Guyana is clearly no, and this conclusion has also been reached by the World Bank and CERD when they rejected key provisions of the 2006 *Amerindian Act* as inadequate to protect indigenous peoples' rights. CERD goes further by holding that various provisions of the *Amerindian Act* are racially discriminatory, a disturbing conclusion in any context, but doubly troubling in the Guyanese context. At present, Guyana's land titling process is simply an exercise in unilateral and unfettered rule by the Ministry of Amerindian Affairs that has little to do with satisfying indigenous peoples' rights. Rights of appeal are limited by the absence of enumerated rights that could form the basis for an appeal to the judiciary and indigenous peoples are left with little option other than to accept what the Ministry decides or to withdraw from the process altogether.

In order to correct the fundamental problems described above, there is an urgent need to amend the *Amerindian Act* and to carry out an independent and impartial review of all land titling decisions made to date. This review must also include an assessment of the extent to which said decisions may or may not be compatible with indigenous peoples' rights in international law. If the above quoted lessons explicated in the 2008 World Bank study are to be followed, these land titling issues must be addressed prior to the implementation of LCDS/REDD+ activities; support indigenous peoples to continue to manage and protect their territories as the "more sustained and cost effective way to protect biodiversity;" and participation and consent procedures must be "designed to be acceptable to the Indigenous Peoples..."²⁵ Consent processes must also be based on an adequate recognition of indigenous peoples' rights to own and control their traditional lands, territories and resources, which includes a process for delimitation, demarcation and titling that is consistent with Guyana's international obligations.

²⁵ C. Sobrevilla, *The Role of Indigenous Peoples in Biodiversity Conservation. The Natural but often Forgotten Partners*, *supra*, at p. xiii.

In view of the above concerns and observations, we call on all donor organisations, including the GON, to ensure that indigenous peoples' guaranteed rights are fully upheld in all LCDS-REDD-plus activities that they finance in Guyana. To this end, specific actions recommended by the APA and community leaders requiring recognition and support include, *inter alia*:

- measures to review and amend the 2006 *Amerindian Act* to bring the law into line with international standards, including amendments to demarcation and titling procedures as well as provisions for FPIC
- safeguards to ensure that Opt-in (and Opt out) procedures under the LCDS are in full compliance with the established principles of FPIC, that must be based on local customs, values and decision-making and negotiation procedures that have been agreed by rights holders in Amerindian communities
- attention to constructive proposals²⁶ as regards LCDS, REDD-plus and the Guyana-Norway MoU²⁷, including the establishment of an independent Amerindian advisory group to complement the LCDS multi-stakeholder committee, a mechanism to clarify and secure indigenous peoples' land rights, including self-selected representatives and experts freely chosen by our communities and a working group to address implementation of UNDRIP standards in LCDS and REDD-plus

We look forward to working with the GON to effectively implement and monitor the MOU provisions on indigenous peoples.

We await with interest your responses regarding how the GON will address the issues raised in this letter.

Yours sincerely,

[Signatures omitted]

cc. President of the Sami Council
President of the *Sameting* Norway
Rainforest Foundation Norway
Benoit Bosquet, FCPF
Charles Di Leva, World Bank
Kristyna Bishop, IDB
John Hudson, DfID
NRDDB
Upper Mazaruni District Council
South Central and South District Toshias Councils
South Central Peoples Development Association
Region 8 Area Council
Ministry of Amerindian Affairs

²⁶ See APA comments on Guyana Forestry Commission's draft September 2009 R-PP, October 2009. See also APA (2009) *Indigenous peoples' rights, REDD and the draft Low Carbon Development Strategy (Guyana)* A summary report of a workshop held in the Regency Suites, Georgetown, 24-26 June 2009.

²⁷ Public Statement by participants in a training of trainer workshop on *Indigenous Peoples Rights, Extractive Industries and National Development Policies in Guyana*, March, 2010.

Vicky Tauli-Corpuz, Chairperson of the UN Permanent Forum on Indigenous Issues
James Anaya, UN Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples