

Statement by indigenous peoples regarding the EU FLEGT process in Guyana

Georgetown, 20th February 2015

During four days between the 17th and 20th of February 2015, we, the Toshaos, Councillors, and representatives of Akawini, Chenapou, Hobodeia, Hururu, Kabakaburi, Kwebanna, Orealla, Oronoque, Paruima, Santa Cruz, Santa Rosa, Wakapoa, Waramadong, SCPDA, NRDDDB, and the NTC have been gathered in Georgetown to discuss the Guyana-EU FLEGT VPA process and how it relates to indigenous peoples and their lands and livelihoods. In addition to the process itself, particular focus has been given to the legality definition.

Our discussions have been informed by issues and recommendations identified in community workshops facilitated by the Amerindian Peoples Association and Forest Peoples Programme between July 2014 and January 2015. Inputs from governmental and non-governmental, national and international actors over the course of the four days have also been taken into consideration.

As indigenous peoples of Guyana we emphasise the special relationship we have with our lands and forests. The forest is our home and is critical to our survival and continued existence. It provides us with food, water, clean air, medicine, shelter, materials, security, and contributes to our livelihood, overall happiness and well-being. From time immemorial we have cared our forests and we believe it is important that our forests continue to be managed well in order to secure the future of our children and generations to come.

We welcome the FLEGT VPA process as it aims to halt illegal and harmful forest practices. In contribution to the national FLEGT VPA discussions we would like to make the following observations and recommendations in relation to the legality definition and the VPA process:

Legality Definition (LD)

1. Customary land claims of indigenous communities must be satisfactorily addressed before any forest concession be granted, in accordance with all the relevant international human rights legislation which Guyana has signed onto.
2. Specific recommendations to language for the 3rd draft Legality Definition will be provided to the NTWG. Key suggestions include:
 - a) No forest concession be allocated fully or partly on customary land of an Amerindian community, whether titled or untitled, without the free prior and informed consent of the community and without a benefit sharing agreement between the concession holder and the community.
 - b) There must be an independent mechanism to provide redress and solve conflict in case of any violation of these customary land rights.

- c) When there is no conflict regarding customary land, any timber harvested by the indigenous community from these lands should be deemed legal.
- d) We propose the following definitions:
 - Customary land: Any and all lands and territories which indigenous communities have traditionally owned, occupied or otherwise used or acquired as articulated in the Guyana Amerindian Lands Commission Report of 1969, along with any future revision of the same and which are currently identifiable by existing communities.
 - Traditional use: The use of resources by communities in relation to beliefs, cultural practices and livelihoods, including trade among Amerindian communities and between such communities and individuals and groups which does not exceed a specified limit (limit to be agreed on through consultation with communities).

FLEGT VPA Process

1. There must be an increased platform of civil society representation on the National Technical Working Group (NTWG) including a formally established and credible non-governmental indigenous peoples organization.
2. The National Toshias Council (NTC) must be strengthened as an institution to enhance effective communication to ensure proper representation and accountability as it relates to participation and representation on the NTWG.
3. The work of the Amerindian Peoples Association (APA) in communication with Amerindian communities must be recognized and supported as part of inputs into the process.
4. There must be more community involvement in the process; there is need for more consultations and space for effective participation. Audio visual media as well as other material must be used to maximize transfer of information to communities.
5. Information from community workshops should be sent back to communities for validation.
6. National laws must incorporate minimum standards of international laws that cover protection of environmental, social and human rights obligations.
7. There must be a text within the VPA which guarantees a timeframe within which the agreement will be reviewed by stakeholders.
8. There must be open discussions with all stakeholders and rights holders including the guidance of an independent legal counsel through their selected representatives. There should be more time for the public to comment on the process.
9. The NTWG should have Legality Seminars for stakeholders especially for indigenous peoples and keep updated flow of information and communication.
10. The existing Legality Assurance system must be evaluated in all regions including codes of practices and the Wood Tracking System which has been

posing a lot of challenges for logging communities. There must be space for reform of laws and policies and must be reviewed with the participation of communities.

11. There needs to be a clear Terms of Reference for the Amerindian Constituency group if their inputs are to be considered and recognized in the process.
12. There must be access to information including programme documents, legislation, regulations and policies.
13. All lands under claim must be left free until such time that legal recognition has been achieved.
14. An Amerindian Lands Commission must be re-established to review the land situation using the “Amerindian Lands Commission Report – 1969” as a minimum to influence resolutions to achieving land tenure security.

Signed by community representatives:

Community	Name
Akawini	David Wilson
Chenapou	Paul Benjamin
Hobodeia	Reynold Hutson
Hururu	Winsbert Benjamin
Kabakaburi	Adam Calistro
Kwebanna	Godfrey Wilson
Orealla	Lloyd Peneux
Oronoque	Nicholas Jones
Paruima	Lawrence Anselmo
Santa Cruz	John Campbell
Santa Rosa	Richard Cornelius
Wakapoa	Earl Thomas
Waramadong,	Clyde Henry
SCPDA	Cedric Buckley
NRDDB	Ivor Marslow