

Taking stock: Indigenous peoples and low carbon development policies in Guyana

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Key Issues and concerns

- Guyana's Low Carbon Development Strategy (LCDS) is not ensuring effective participation and is failing to meet core safeguard indicators on indigenous peoples' rights, including land rights, yet corrective actions have still not been put in place
- LCDS policies, including a proposed opt-in procedure for Amerindian Villages, confine respect for Free, Prior and Informed Consent (FPIC) to titled Amerindian lands and do not extend this core standard to untitled communities and customary lands, thereby violating Guyana's international obligations
- There is still no reliable information available on the potential risks, costs and benefits for indigenous peoples if they choose to opt-in to a national forest and climate scheme (thus preventing any credible FPIC process)
- Despite government claims that most village leaders (Toshaos) in the National Toshaos Council support draft opt-in procedures, these plans have not been discussed at the community level
- Treatment of rotational farming (shifting cultivation) remains problematic in the LCDS framework
- Infrastructure developments (including large dams) are being approved by the government under the LCDS without adequate attention to cumulative impacts and without full respect for FPIC
- The Guyana REDD+ Investment Fund (GRIF) and the UNDP Amerindian Land Titling project (2013-16) are failing to address fundamental flaws in Guyana's laws and procedures for the titling, demarcation and protection of indigenous peoples' lands, territories and resources, and thus risk violating applicable human rights standards
- LCDS linkages with plans being developed by the Guyana Forestry Commission (GFC), the Forest Carbon Partnership Facility (FCPF) and the Inter-American Development Bank (IDB) for a national REDD scheme remain vague, while Villages have still not been properly consulted on Guyana's REDD Readiness Proposal (R-PP)
- Despite commitments to protect forests under the LCDS, an aggressive expansion of the mining sector is driving increasing rates of deforestation in Guyana, causing gross violations of indigenous peoples' rights and damage to forest and livelihood resources.

Lessons

Without early measures to respect and secure the land rights of forest peoples and ensure full alignment with applicable international standards, forest and climate initiatives are likely to restrict local benefits and risk generating land conflicts

The sustainability and credibility of initiatives like the LCDS are undermined if effective decentralised mechanisms for meaningful community consultation are not in place¹

Participatory social and environmental impact assessments are essential for the development of sustainable, fair and efficient national forest and climate schemes: they are needed to inform communities of possible risks and opportunities and to ensure that upstream measures are taken to avoid potential negative impacts

Mechanisms for compliance with human rights standards and safeguard policies of implementing agencies like the UNDP must be strengthened in order to ensure that rights are respected and LCDS projects are fully accountable to intended beneficiaries and citizens in Guyana and donor countries.

Introduction and background

Since 2006, Guyana has become a lead player among developing countries in calling for international finance and performance-based payments for forest and climate protection in forest nations, including through so-called policies for Reducing Emissions from Deforestation and Forest Degradation (REDD). Guyana joined the World Bank's Forest Carbon Partnership Facility (FCPF) in 2008. In 2009, the country signed a bilateral partnership agreement with Norway with the potential to deliver up to US\$250 million in payments to Guyana for forest protection, based on independent verification of annual deforestation rates and an assessment of country performance in relation to social and environmental issues (see section C below). In 2012, Guyana's Low Carbon Development Strategy (LCDS) was heralded at the UN Rio+20 Earth Summit as a best-practice model for "green growth", which Guyana claims has potential for duplication in other developing economies.² Guyana now boasts that it has the world's first national-scale forest and climate scheme in operation.

At the start of Guyana's participation in the FCPF in 2008, indigenous peoples and social justice organisations, including the Amerindian Peoples Association (APA), had called for effective participation of indigenous communities and early actions to address unresolved land tenure issues as well as to establish robust mechanisms for Free, Prior and Informed Consent (FPIC) and local benefit sharing.³ The same points were made to Guyana and international donors at the launch of the LCDS in 2009. After 4.5 years, what progress has been made? Have vital social preconditions and safeguards been met? Have promised benefits been forthcoming? What can we learn from the situation on the ground?

This paper seeks to give answers to some of these questions. It sets out some basic background on the LCDS objectives and summarises key social commitments made by Guyana and Norway at the start of the process. Local experience on rights and tenure issues are then reviewed before setting out some basic conclusions and recommendations.

1 See also, Brown M I (2013) *Redeeming REDD: policies, incentives and social feasibility for avoided deforestation* Earthscan Routledge, London and New York at pages 96 and 137

2 "Guyana at Rio+20" LCDS Newsletter No.2, September 2012

3 Griffiths, T (2009) *Guyana: indigenous peoples, forests and climate initiatives* FPP, Moreton in Marsh

LCDS origins, objectives and components

The government of Guyana first introduced its LCDS plan titled “*Transforming Guyana’s Economy while Combating Climate Change*” to the Guyanese public in June 2009. Updated versions of the LCDS document were published in December 2009 and May 2010. The current version was launched in March 2013 by President Donald Ramotar. From the outset, one of the benchmarks of the LCDS process has been the setting up of the LCDS oversight body, the Multi-Stakeholder Steering Committee (MSSC), which first met in June 2009. The MSSC was chaired from 2009-2011 by former President Jagdeo and is now being chaired by President Ramotar. The MSSC is made up of government agencies, business associations, NGOs and indigenous peoples’ representatives as well as indigenous and other participants (including former President Jagdeo) attending in an individual capacity. This body has so far held 60 meetings and minutes for each are published on the LCDS web site.⁴ To date, the MSSC has not published any terms of reference for its rules of procedure and functions, and its capacity to address contested issues and foster multi-stakeholder dialogues remains in question (see below).

The LCDS intends to use revenue generated from international payments for forest protection to:

- increase access to healthcare and education;
- help businesses and citizens improve their access to safe and affordable water and electricity;
- protect vulnerable sectors of society;
- provide targeted support for land tenure and development in Amerindian villages;
- alleviate poverty.⁵

Stated goals of the LCDS are to transform Guyana’s economy through “green growth strategies”, which aim to deliver economic and social development by following a low carbon development path; and provide a “scalable, replicable model for the world” of how climate change can be addressed through low carbon development in developing countries, mainly through economic incentives and international payments to avoid deforestation.⁶

Strategies to enable transition to a low carbon economy include support for investments in low carbon infrastructure, including hydroelectric dams; reform of the forestry sector to promote more environmentally friendly practices “utilising the high internationally accepted standards of sustainable yield harvesting”; reform of the mining sector; improving information technology and renewable energy sources; and the creation of employment opportunities in activities that “do not threaten the forest”, including the production of fruit and vegetables and seafood products.⁷

4 Multi-Stakeholder Steering Committee: http://www.lcds.gov.gy/index.php?option=com_content&view=article&id=340&Itemid=166

5 Ibid, at page 14

6 LCDS (2013) *Frequently Asked Questions* OCC, July 2013 http://www.lcds.gov.gy/images/stories/Documents/Frequently%20Asked%20Questions_July%202013_Final.pdf

7 *Low Carbon Development Strategy Update: transforming Guyana’s economy while combating climate change* Office of the President, Republic of Guyana, March 2013 http://www.lcds.gov.gy/images/stories/Documents/low%20carbon%20development%20strategy%20update_final_march%202013.pdf

Current and planned LCDS activities

There are three pillars of the LCDS: avoiding deforestation; low carbon development; and adapting to climate change. A set of specific investments areas is to be supported under these themes, including targeted support to Amerindian peoples in the hinterland (Box 5).

Infrastructure development involving the construction of hydropower facilities is a core element in the low carbon approach. Guyana has extensive plans for the generation of hydroelectricity (Map 6), but transparency in national energy policies has been lacking. Any information reaching communities has tended to be partial, tardy and sometimes confusing (see discussion of Upper Mazaruni dam proposals and Amaila Falls Project in Section 2 and 4).

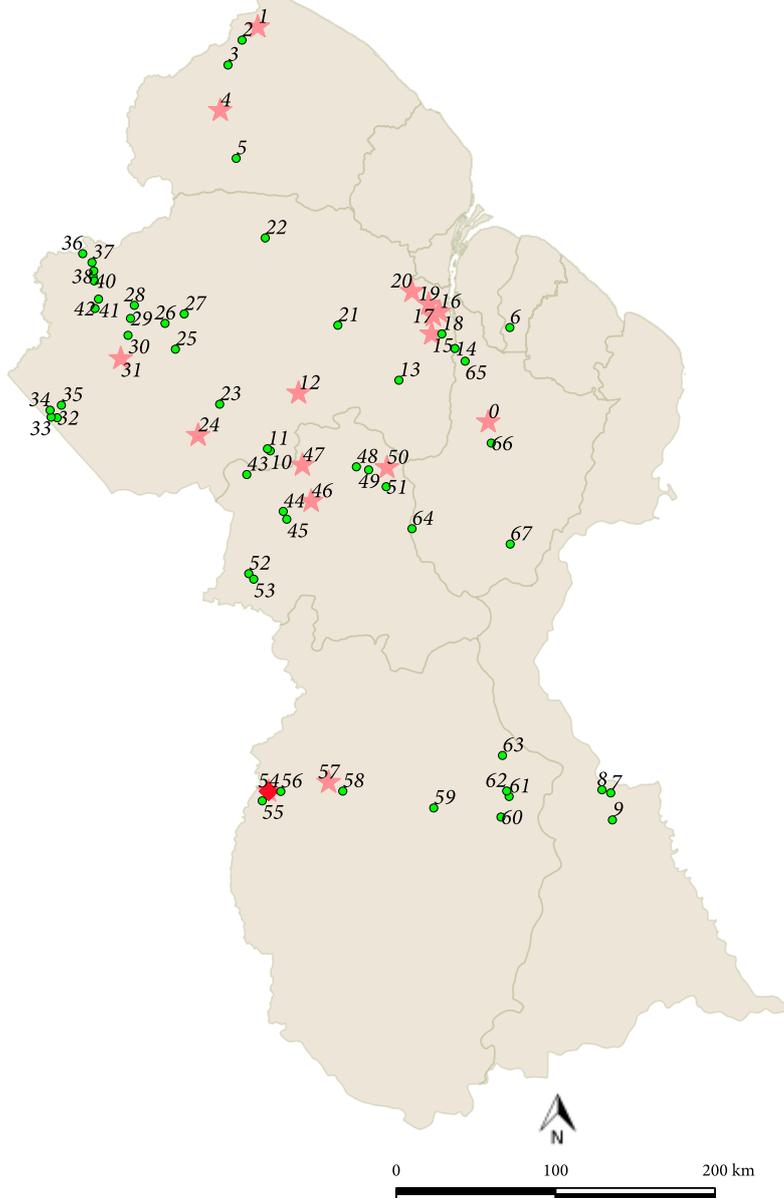
Box 5: Elements of the LCDS

In 2009, the LCDS identified eight priority investments that would be the early focus of Guyana's transition to a low carbon economy:

- **renewable energy:** with The Amaila Falls Hydropower Project as the “flagship” LCDS project
- **Amerindian titling, demarcation and extensions:** The March 2013 LCDS states that over the next three years “all” outstanding requests will be processed through the Amerindian Land Titling Project – in accordance with the 2006 Amerindian Act (a potentially misleading statement – see section B)
- **Amerindian socio-economic development:** including (i) small-scale hydropower resources and solar power home systems for Amerindian and other hinterland households (ii) capitalisation of the LCDS Amerindian Development Fund to finance Community Development Plans (CDPs)
- **expanding the digital economy:** Support to expand access to IT and high-speed internet involving three initiatives - *Fibre Optic Cable; One Laptop per Family; and Telecommunications Liberalisation*
- **support for small and medium-scale enterprises:** US\$10 million are allocated for micro and small enterprise (MSE) sectors and vulnerable groups
- **Centre for Bio-Diversity Research and curriculum development:** An International Centre dedicated to researching possible ways to derive economic value from Guyana's bio-diversity
- **climate resilience and adaptation** (sea defenses, etc.)
- **monitoring, reporting and verification (MRV):** Development of a national forest monitoring framework, including an independent forest monitoring system.

Promoting REDD is also seen as core element in the LCDS – see IDB (2013) *Forest Carbon Partnership Facility in Guyana (GY-T1097) TC Document, IDB, Washington DC*

Map 6: Existing and Proposed Hydropower Sites in Guyana



Legend of Hydropower Sites

- ◆ Existing Hydropower Projects
 - ★ Hydropower Projects at Feasibility Stage
 - Potential New Hydropower Sites
- Site names
- | | |
|------------------|------------------|
| ★ 0 - Big Barara | ● 30 - Chitigoke |
| ★ 1 - Hossororo | ★ 31 - Sand Land |
| ● 2 - Mauro | ● 32 - No. 1 Dam |
| ● 3 - Dindiyal | ● 33 - Great Fal |
| ★ 4 - Eclipse F | ● 34 - Utshi |
| ● 5 - Towakaima | ● 35 - Paruima |
| ● 6 - Loo Creek | ● 36 - No.5 Dam |
| ● 7 - Barringto | ● 37 - No.4 Dam |
| ● 8 - Barringto | ● 38 - No.2 Dam |
| ● 9 - Amaripa | ● 39 - No.3 Dam |
| ● 10 - Sabrek | ● 40 - Sakaika |
| ● 11 - Semang | ● 41 - No.1 Dam |
| ★ 12 - Tibiku | ● 42 - Aikwaduik |
| ● 13 - Kaburi | ● 43 - Chi-Chi D |
| ● 14 - Arisaru | ● 44 - Akobenang |
| ★ 15 - Ikuribisi | ● 45 - Iatuk |
| ★ 16 - Teperu | ★ 46 - Kaieteur |
| ★ 17 - Turtruba | ★ 47 - Amaila |
| ★ 18 - Wineperu | ● 48 - Queen Dai |
| ★ 19 - Kamaria | ● 49 - Konawak |
| ★ 20 - Oko Blue | ★ 50 - Tumatumar |
| ● 21 - Puruni | ● 51 - Itabu |
| ● 22 - Devil's H | ● 52 - Kurukabar |
| ● 23 - Chi-Chi D | ● 53 - Kato |
| ★ 24 - Chi-Chi D | ◆ 54 - Moco-Moco |
| ● 25 - Kumarau | ● 55 - Kuma |
| ● 26 - Upper Maz | ● 56 - Cozier |
| ● 27 - Apaikwa | ★ 57 - Wamakaru |
| ● 28 - Peaima | ● 58 - Maparri |
| ● 29 - Aruwai | ● 59 - Rewa |
| | ● 60 - King Geor |
| | ● 61 - Manarowa |
| | ● 62 - King Will |
| | ● 63 - Patterson |
| | ● 64 - Takwari |
| | ● 65 - Anarika |
| | ● 66 - Tiger Hil |
| | ● 67 - Itabru |

Projection: WGS84

LCDS implementation arrangements

Oversight of the LCDS is carried out by the Office of Climate Change (OCC), the Low Carbon Strategy Project Management Office (PMO), the Guyana Forestry Commission (GFC) and the Ministry of Natural Resources and the Environment (MNRE). Strategic guidance is meant to be given through the MSSC. According to information in the March 2013 version of the LCDS, the roles and responsibilities for these different government agencies can be summarised as follows:

Agency/body	Responsibilities
Ministry of Natural Resources and the Environment (MNRE)	Lead agency on efforts to “sustainably develop the forestry and mining sectors” and on negotiations with relevant international enforcement and trading initiatives, including the Extractive Industries Transparency Initiative (EITI) and EU- FLEGT, Independent Forest Monitoring (IFM) and UN Minamata Convention on Mercury. Also responsible for the implementation of national programme of work on protected areas.
Guyana Forestry Commission (GFC)	Implementation of the national scale REDD+ Monitoring Reporting and Verification (MRV) system to assess forest cover, land use change, deforestation and measure carbon stocks. Also the national focal point for the World Bank’s Forest Carbon Partnership Facility (FCPF) process, including liaison with the FCPF delivery partner in Guyana (IDB).
Office of Climate Change (OCC)	Serves as secretariat to the MSSC and coordinates relations with bilateral and multilateral organisations supporting Guyana’s climate change policies. Also supports Guyana’s engagement in global and regional climate and development fora.
Project Management Office (PMO)	Coordination of public and private agencies to ‘accelerate implementation’ of critical projects, including hydropower projects.

Bilateral agreement with Norway and international funding

After approaching various donor governments since 2007, Guyana secured support for its climate change mitigation and adaptation plans from the government of Norway in 2009. In November of that year, Guyana and Norway signed a Memorandum of Understanding (MoU) regarding bilateral cooperation for combatting climate change, in particular through joint support for a national REDD scheme. Under this agreement, former President Bharrat Jagdeo negotiated Norwegian commitments of up to US\$250M for Guyana over a five-year period, subject to meeting certain environmental and social benchmarks to be verified each year by independent auditors. The MOU declares that financial support from Norway for REDD results will be used to support activities and investments under Guyana’s LCDS (Box 6).



Amerindian leaders and APA members meet with representatives of the Norwegian government to discuss the LCDS and the need for climate and forest measures to address unresolved land rights issues, Georgetown, March 2010.

Photo: Tom Griffiths

Funds for REDD readiness are also received from the FCPF with implementation of a US\$3.8 million grant being overseen by the IDB (see II.IV below).

Box 6: Norway Guyana MoU (2009-2015)

The stated objective of the MoU is to foster a partnership between Guyana and Norway on issues regarding climate change, biodiversity and sustainable, low carbon development, involving the development of a framework for result-based financial support for REDD in Guyana. The MoU outlines three ‘pillars of cooperation’:

- a) Policy and political dialogue on global climate change (contributing to the inclusion of REDD in a global climate change regime)
- b) Collaboration and sharing of lessons on sustainable low-carbon development
- c) Collaboration on REDD, including establishing a framework for results-based financial support from Norway into a Guyana REDD+ Investment Fund (GRIF)

In relation to social safeguards and rights, the MoU recalls that Guyana and Norway are both parties to the UNFCCC and signatories to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). The MoU also states that Norwegian financial support will be tied to **verified** results, including:

*“...arrangements to ensure systematic and transparent multi-stakeholder consultations will continue and evolve, and enable the participation of all affected and interested stakeholders at all stages of the REDD/LCDS process; **protect the rights of indigenous peoples**; ensure environmental integrity and protect biodiversity; ensure continual improvements in forest governance; and provide transparent, accountable oversight and governance of the financial support received.”* (bold emphasis added)

An accompanying Joint Concept Note (JCN) sets out the framework for taking the Guyana-Norway cooperation forward, detailing how Norway would provide Guyana with financial support for REDD+ results (see II. below). The JCN has been revised and updated several times resulting in various changes in the bilateral agreement. The current version includes the longer-term goals of the partnership towards 2015 when it is scheduled to end.

LCDS social standards, country commitments and international obligations

In addition to the general commitments to multi-stakeholder participation and the protection of indigenous peoples’ rights set out in the MoU (Box 6), the JCN specifies that support from Norway to Guyana should depend on Guyana’s independently verified performance against two sets of indicators: REDD+ Performance; and Enabling Activities (Box 7). Specific assessment indicators for enabling activities relating to safeguards include:

“...continuous multi-stakeholder consultation process; governance; and the rights of indigenous peoples and other local forest communities as regards REDD-plus.”⁸

Elaborating on these performance measures the JCN stipulates that:

“There shall be a mechanism to enable the effective participation of indigenous peoples and other local forest communities in planning and implementation of REDD-plus strategy and activities.”

The JCN also states that all cooperation will uphold the constitutional rights of indigenous peoples. Though the JCN makes no explicit reference to international obligations, it is understood by Norway that they will be a benchmark for the assessment of LCDS performance (see below). In short, by virtue of being a party to multiple international treaties, Guyana is already bound through its constitution to comply with its obligations enshrined in different intergovernmental agreements and conventions. For example, under the UN Climate Convention, Guyana is bound to apply safeguards for REDD that “promote and support”:⁹

“...respect for the knowledge and rights of indigenous peoples and members of local communities, by taking into account relevant international obligations, national circumstances and laws, and noting that the United Nations General Assembly has adopted the United Nations Declaration on the Rights of Indigenous Peoples.”

As well as ensure:

“The full and effective participation of relevant stakeholders, in particular, indigenous peoples and local communities, in (forest and climate) actions....”¹⁰

The same 2010 UNFCCC agreement calls on Parties to develop:

“A system for providing information on how the safeguards referred to in appendix I to this decision are being addressed and respected throughout the implementation of the activities referred to in paragraph 70 above.”

In addition to commitments made in the MoU and JCN, Guyana’s 2011 REDD+ Governance Development Plan affirms that:

“...underpinning the (low carbon development) strategy are overall objectives of broad-based poverty reduction, inclusive national multi-stakeholder participation, applying social and environmental safeguards in accordance with international standards, and protecting the rights of Amerindians in accordance with the principles of free, prior and informed consent.”¹¹

With regards to the commitments of Norway, in a reply to an APA letter¹² sent in 2010 to the Norwegian government raising concerns about the lack of adequate protections for indigenous peoples’ land and territorial rights under the LCDS, Norway replied that:

8 *Joint Concept Note 2012* <http://www.lcds.gov.gy/images/stories/Documents/Joint%20Concept%20Note%20%28JCN%29%202012.pdf>

9 The 2010 Cancun Agreements include a decision on ‘REDD+ Safeguards’ in Decision 1.CP/16, Annex II: <http://unfccc.int/resource/docs/2010/cop16/eng/07a01.pdf#page=2>

10 UNFCCC (2011) 1/CP.16 and Appendix I <http://unfccc.int/resource/docs/2010/cop16/eng/07a01.pdf>

11 *Guyana’s REDD+ Governance Development Plan*, Office of the President Republic of Guyana, June 2011 at page 3 <http://www.lcds.gov.gy/images/stories/Documents/RGDP%20-%20June%202011.pdf>

12 <http://www.forestpeoples.org/sites/fpp/files/publication/2010/08/guyanalcdrsredd-pluslettonoradmar10eng.pdf>

“Indigenous peoples’ issues are high on the agenda of Norwegian development cooperation. It is a goal in itself to safeguard indigenous peoples’ rights in Norwegian supported operational activities...Because the relationship with their land is at the core of indigenous societies, we understand your concerns regarding land rights issues within the context of REDD+ and LCDS. Norway will continue to address this issue in our dialogue with the Guyanese government...”

The Norwegian letter also clarified that in line with the JCN:

“...a system of reporting on how the Constitutional protection of the rights of indigenous peoples and local communities is facilitated within the framework of Guyana’s REDD+ efforts, will be developed. ILO 169 and the UNDRIP provide essential standards which performance should be assessed against (emphasis in the original).”¹³

These clarifications made by Norway are important. However, up until today, concerns raised by APA regarding flaws in Guyana’s legal framework and land titling procedures, as documented by UN human rights bodies, have received no specific public response from the Norwegian International Climate and Forest Initiative (NICFI).

REDD Performance Indicators

Reporting indicators were finalised in an updated JCN in 2011 and, as noted above, relate to both deforestation measurements and ‘enabling’ activities centered on participation, transparency, good governance and respect for indigenous peoples’ rights (Box 6). Indicators are independently assessed through auditor field visits to Guyana and reviews of publicly available information on progress regarding policies and safeguards to ensure that REDD contributes to the goals set out in the MOU and JCN.

Guyana REDD+ Investment Fund (GRIF)

The GRIF is a multi-contributor trust fund, established in 2010 as an interim measure for handling performance-based payments to Guyana, pending the creation of an international REDD mechanism. The World Bank’s International Development Association (IDA) is *Trustee* to the GRIF, with the Inter-American Development Bank (IDB), the World Bank, and the United Nations Development Group (UNDP) serving as *Partner Entities*, who can enter into agreements with and transfer funds to *Implementing Entities*. The GRIF is governed by a steering committee (SC), chaired by the government of Guyana (GoG), with membership comprised of government and financial contributors to the GRIF. Minutes to SC meetings are available on the GRIF website.¹⁴ The Trustee, Partner Entities, civil society and private sector organisations are invited by the SC to participate as observers, but decision making is largely confined to the Guyanese and Norwegian governments.¹⁵

13 Royal Ministry of Foreign Affairs (2010) *Letter to the APA, 20 May 2010*

14 http://www.guyanareddfund.org/index.php?option=com_content&view=article&id=95&Itemid=125

15 *Guyana REDD Fund: Fact Sheet*. http://www.guyanareddfund.org/images/stories/pdffiles/GRIF_Fact_Sheet_September.pdf

Box 7: Performance Indicators

Indicators of Enabling Activities

- **Strategic framework:** covering the degree of consistency of Guyana REDD with international frameworks such as the rules of the UNFCCC and the World Bank's FCPF
- **Continuous multi-stakeholder consultation process:** including particular attention to the effective participation of indigenous peoples and other forest-dependent communities
- **Governance:** including *inter alia* Guyana's entry into formal negotiations with the EU to agree on a FLEGT VPA by 2015; implementation of Independent Forest Monitoring (IFM) and implementation of a programme to manage degradation from extractive activities
- **The rights of indigenous peoples and other local forest communities as regards REDD+:** upholding of constitutional rights (and related international standards and obligations)
- **Integrated land-use planning and management:** encompassing the development of a system for holistic area planning and management, and a publicly available map of area use, by 2015
- **Monitoring, reporting and verification:** increased technical capacity for MRV and development of a reference level for baseline deforestation to submit to the UNFCCC by 2015

REDD+ indicators

- **Annual deforestation rates and agreed reference level:** set at 0.275% deforestation per year (controversially above current levels allowing an increase in deforestation rates) with reduced incentives if deforestation exceeds 0.056% per annum. Payments will cease altogether if deforestation exceeds a 0.1% ceiling (with the exception of deforestation associated with the Amaila Falls project)
- **Carbon-density proxies** to determine avoided emissions
- **Interim carbon price** of US\$5 per tonne of avoided emissions

These interim indicators will be replaced "as a system for monitoring, reporting and verifying (MRV) emissions from deforestation and forest degradation in Guyana is established"

Financial flows through the GRIF

Three tranches of the committed US \$250M had already been deposited by the beginning of 2014, totaling US \$115 million. The first two payments to the GRIF were made in 2010 and 2011 for results achieved up to September 30, 2010. The third contribution was announced in December 2012, despite the conclusions of the independent verification report (released on the same day) finding that Guyana had failed to protect indigenous peoples' rights and conduct transparent and effective consultations (see C below).¹⁶ An independent audit in 2012 found that only US\$ 9.2 million out of a total of \$US 69.8 million had been released by 30 June 2012, almost 2 years after the GRIFs inception.¹⁷

16 Rainforest Alliance, December 2012, *Verification Of Progress Related To Indicators For The Guyana-Norway REDD+ Agreement*, Richmond, VT. http://www.redd-monitor.org/wordpress/wp-content/uploads/2013/01/Rainforest_Alliance.pdf

17 Rainforest Alliance, December 2012, *Verification Of Progress Related To Indicators For The Guyana-Norway REDD+ Agreement*, Richmond, VT. http://www.redd-monitor.org/wordpress/wp-content/uploads/2013/01/Rainforest_Alliance.pdf



Rotational farming forms the core of Amerindian livelihoods, food security and identity in Guyana. Indigenous farmers and community leaders maintain that forest loss is small scale, temporary and sustainable. These assertions are backed by scientific studies.¹⁸ Current LCDS treatment of traditional swidden farming is ambiguous. Early guarantees given by the government to villages in 2009 that Amerindian farming would not be affected by the LCDS have since been withdrawn.

Photo: Tom Griffiths

Application of GRIF safeguards

The GRIF website states that it is committed to "...ensuring that REDD+ funds adhere to the highest internationally recognized standards for financial, environmental and social safeguards."¹⁹ In terms of application of safeguards to the activities and projects financed by the GRIF, the safeguards of the organization serving as Partner Entity for a given project will apply for that project. There are currently six GRIF projects, with the IDB, UNDP and World Bank all serving as Partner Entities, hence the safeguards of each of these organisations should be applied to the relevant project.²⁰

Despite important GRIF commitments on safeguards, there are genuine concerns that its projects are not meeting agreed standards. The GRIF-UNDP land-titling project is a prime example. APA and civil society concerns about this GRIF project and the process for its development have been largely dismissed, despite serious questions over compliance with international standards for titling and demarcating indigenous peoples' lands. APA, FPP, RFN and other civil society organisations are very concerned that the UNDP is in serious risk of

18 See, for example, Eden, M J (1986) "Monitoring Indigenous Shifting Cultivation in Forest Areas in Southwest Guyana using Aerial Photography and LANDSAT" pp. 255-278 in Eden, M J and Parry J T (Eds)(1986) *Remote Sensing and Tropical Land Management* John Wiley and Sons, London. See also Mutuo, P. K., Cadisch, G., Albrecht, A., Palm, C. A., Verchot, L. (2005) "Potential of agroforestry for carbon sequestration and mitigation of greenhouse gas emissions from soils in the tropics" *Nutrient Cycling in Agroecosystems*, 2005 (Vol. 71) (No. 1) 43-54

19 <http://www.guyanareddfund.org/>

20 See GRIF Projects summary for a summary of current projects, status, costs and Partner Entities: http://www.guyanareddfund.org/images/stories/pdf/GRIF_Projects_Update_26-11-13.pdf

breaching of its own policies, unless major actions are taken in 2014 to rectify flaws in the project design (see C, Failure to uphold FPIC, below).

The Forest Carbon Partnership Facility (FCPF) and REDD Readiness

In addition to bilateral finance through cooperation with Norway, Guyana has been seeking funding through the World Bank FCPF since it became operational in 2008. This multilateral forest and climate fund (funded by donor countries like the UK, Germany, the Netherlands and also Norway) was set up to provide grants to enable forest countries like Guyana to prepare or 'get ready' for future national REDD programmes through so-called 'readiness' activities. In order to access these readiness funds, a country must prepare a REDD Readiness Preparation Proposal (R-PP) document in accordance with FCPF rules, social principles and criteria and in line with the safeguard policies of the 'delivery partner' implementation agency. In 2010, implementation arrangements for FCPF readiness grants moved beyond the World Bank to include a range of potential implementation agencies known as 'delivery partners' that adopted a 'common approach' to safeguards in 2011 (see Box 8). Under this approach core safeguard objectives are as follows:

- Environmental assessment: ensure environmental, and social soundness and sustainability
- Natural habitats: support the protection, conservation, maintenance, and rehabilitation of natural habitats and their functions
- Forests: realize the potential of forests to reduce poverty in a sustainable manner; protect the vital local and global environmental services and values of forests
- Involuntary resettlement: avoid or minimize involuntary resettlements and assist displaced persons in improving or at least restoring their livelihoods
- Indigenous peoples: ensure the full and effective participation of indigenous peoples in a way that fosters full respect for: indigenous peoples' dignity, human rights, traditional knowledge, and cultural uniqueness and diversity²¹

The Guyana Forestry Commission (GFC) is responsible for the R-PP process in Guyana, although its coordination with the LCDS initiative run from the Office of Climate Change (OCC) has been unclear since 2009 (see below). There have also been long delays in the readiness planning process due to changes in the FCPF's rules and modification of its framework for the implementation of readiness grants. At the same time, multiple drafts of Guyana's R-PP have been issued, the final draft being dated December 2012. No versions of the R-PP have been the subject of community consultations, though draft versions have been open to public comment by national organisations with internet access, including the APA (see below).

R-PP social commitments

The final version of Guyana's R-PP makes several commitments on community consultation, FPIC, land rights and plans to conduct a Strategic Social and Environmental Assessments (SESA). The December 2012 R-PP states that:

21 FCPF (2012) *Common Approach to Environmental and Social Safeguards for Multiple Delivery Partners*. Final version revised 9th August 2012. Available at: <http://forestcarbonpartnership.org/common-approach-environmental-and-social-safeguards> [Accessed 27th January 2014].

"Land tenure and land rights are priority areas that are included as aspects under the R-PP as the clear definition of the rights over carbon is critical to establishing a benefit sharing mechanism. Advancing efforts in the titling process has therefore been identified as a priority area." (R-PP at page 6).

The R-PP proposes conducting "a Strategic Environmental and Social Assessment (SESA) of the potential impacts of REDD+ on the environment, access to land and natural resources, as well as on the livelihoods of forest dependent Stakeholders. The potential impacts and risks will be assessed and based on these; appropriate mitigation measures to *avoid* or manage negative impacts will be developed." (R-PP at page 6, *emphasis added*).

The GoG is... "Committed to implementing a robust consultation, participation, and outreach plan geared towards gathering information, issues and opinions from relevant stakeholders and processing these so that possible solutions can be formulated or amended to address the concerns of stakeholders... The stakeholder Consultation and Participation Plan will be based on the principle of Free, Prior and Informed Consent (FPIC)." [R-PP at page 20].

However, on the matter of FPIC, the R-PP is contradictory. In one part, like the LCDS, it affirms that FPIC will apply to titled lands and villages only:

"Titled Amerindian villages will have the option to participate in any Interim REDD+ mechanism at any time during the period 2010-2015, in accordance with the principle of free, prior and informed consent." (R-PP at page 9, *emphasis added*).

In another part of the R-PP, the GFC notes:

"GoG interventions will be guided by the principles of free, prior and informed consent, covering both titled and untitled Amerindian areas, thus ensuring that no one will be forced to participate in REDD+ or the LCDS." (R-PP at page 45, *emphasis added*).

World Bank involvement and due diligence issues

The World Bank started the FCPF process in Guyana in 2008 and an early draft of the R-PP was controversially approved by the FCPF governing body (Participants Committee) in June 2009, despite proven evidence of poor participation and unresolved concerns of indigenous peoples. The FCPF did request corrections to Guyana's R-PP, which resulted in later drafts as noted above. World Bank teams undertook field missions in 2009, including visits to the Upper Mazaruni and the Rupununi, to learn about tenure and community participation issues as part of its safeguard due diligence process. Other than a World Bank paper on tenure and REDD in Guyana published in 2010,²² the results of this due diligence assessment are unclear up until today.

22 Childress, M (2010) *Land Tenure and Land Management Issues for REDD Preparation in Guyana: framing the agenda for policy discussion*. Paper Prepared for the Annual World Bank Conference on Land Policy and Administration, April 26-27, 2010

Box 8: The FCPF's Common Approach and social principles and procedures

The **WB's safeguard policies and procedures** serve as a minimum standard for FCPF activities. Through legally binding *Transfer Agreements*, the Delivery Partners have to specify how they achieve “*substantial equivalence*” to the WB's standards.

Where the Delivery Partner's safeguard policies and procedures are superior to the WB's (e.g. UN-REDD Programme) the more “stringent and/or protective” safeguards apply.

The role of stakeholder engagement: The FCPF and the UN-REDD Programme have jointly adopted guidelines and principles regarding effective stakeholder engagement, with a special focus on indigenous peoples and forest-dependent communities.

Free, Prior and Informed Consent (FPIC): The FCPF does not require FPIC but Free Prior Informed Consultation (FPICon), which aims to obtain broad community support (see WB's OP 4.10). Given that FPIC standards are more protective and stringent than FPICon, FPIC needs to be applied under the following conditions:

- When the participant country has ratified ILO Convention No. 169 or adopted national legislation on FPIC
- When the Delivery Partner's safeguard policies require FPIC (e.g. UN-REDD Programme requirements extended to UN agencies such as UNDP and FAO)

Specific venues for stakeholder participation: The CA explicitly addresses stakeholder engagement in relation to the following mandatory FCPF instruments:

R-PP: Readiness Preparation Proposal

SESA: Strategic Environmental and Social Assessment

ESMF: Environmental and Social Management Framework²³

Disclosure of information: The importance of access to information is emphasised and important documents such as the R-PP, periodic monitoring reports and the ESMF must be made publicly available.

Grievance and accountability: Country participants must establish mechanisms for grievance and accountability. In addition to national grievance mechanisms, some delivery partners under the FCPF (such as IDB and UNDP) have their own grievance procedures. The FCPF has adopted guidelines on accountability and redress, while the UN-REDD Programme is also developing grievance procedures.

The R-PP template that is common for both UN-REDD National Joint Programmes and FCPF Readiness Plans contains a dedicated section on the establishment of recourse mechanisms. Additionally, the FCPF has recently published a draft toolkit for the establishment of grievance mechanisms at the national level.²⁴

23 The ESMF is composed – among others – of an Environmental and Social Assessment Framework, an Indigenous Peoples Planning Framework (IPPF), and a Stakeholder Engagement and Dispute Resolution Framework. The IPPF includes a framework for Free Prior Informed Consultation with affected communities.

24 For more information see: <https://www.forestcarbonpartnership.org/draft-toolbox-addressing-grievances-and-disputes-during-redd-readiness-preparation-0>



Amerindian organisations in Guyana, including the APA, have sought to undertake their own capacity building efforts for Amerindian Villages on the LCDS and REDD given a strong demand for information coming from Village residents throughout the interior. After more than five years since Guyana joined the World Bank Forest Carbon Partnership Facility (FCPF), no formal consultations on and REDD+ and Guyana's Readiness Preparation Proposal (R-PP) have taken place at the community level. Official government Plans for local consultations are still pending in early 2014.

Photo: Tom Griffiths

Enter the Inter-American Development Bank (IDB)

With changes in the FCPF's implementation rules (see above), Guyana chose the IDB as delivery partner in 2011.²⁵ Little progress was made until 2013 when Guyana signed a new agreement with the IDB for a US\$3.8 million grant for R-PP implementation over a period of 3.5 years.²⁶ This FCPF grant to be implemented by GoG and the IDB is to support the following activities:

- setting-up national REDD readiness institutions, including a national conflict resolution and grievance mechanism (within existing national frameworks)
- development and implementation of a communication, outreach and consultation strategy and action plan (consultancy firm, GFC and National Toshias Council)
- assessment of forest clearance and degradation (consultancy firm)
- development of a REDD+ strategy options and a REDD+ implementation framework
- training of government agency staff on legislation, policies, guidelines and safeguards
- definition of carbon rights, including land tenure linkages (consultancy firm)
- completion of a SESA impact assessment, including a review of the legal and policy frameworks in Guyana

²⁵ Stabroek News, March 18, 2011. *IDB to administer carbon partnership grant*

²⁶ Stabroek News, January 14, 2014. *Guyana awarded US\$3.8 million to strengthen forest protection*

— monitoring of readiness activities, including the independent monitoring of safeguard compliance.²⁷

IDB safeguards triggered, but due diligence remains vague

The IDB safeguard due diligence process undertaken in 2013 classified the FCPF grant under a 'B' risk category. The Bank identifies a series of risks that trigger its safeguards policies and rules on Resettlement (OP-710), Indigenous Peoples (OP-765) and Gender Equality (OP-761).²⁸ While the IDB Safeguard Screening undertaken in August 2013 notes failures to address risks for indigenous peoples in voluntary isolation as well as possible negative impacts on gender equality, it is not clear on risks to land rights, livelihoods, customary resources and FPIC. More positively, the assessment does note that impacts on indigenous peoples' territories and natural resources are "...presumed to be significant unless further analysis demonstrates otherwise."²⁹

Overall, however, the summary IDB safeguards assessment completed in 2013 is somewhat abstract and difficult to comprehend. One major gap in the assessment is its failure to document problems with Guyana's legal framework that risk serious violations of indigenous peoples' rights if forest and climate policies and pilot projects move ahead without prior legal and governance reforms (see Section 1).

Experiences on the ground

Despite important commitments on participation and indigenous peoples' rights under the LCDS and the FCPF proposals, indigenous peoples' experiences of the LCDS and REDD initiatives in Guyana, including the GRIF, are so far mixed. There is strong evidence to show that participation standards and other safeguards have not been met.

Lack of effective participation

From the outset of government of Guyana's interest in forest and climate projects in 2007, the APA and FPP along with other civil society organisations have raised concerns about the lack of participation in government dealings with international agencies and donors. As early as 2008, concerns were raised over the submission of a REDD Readiness Idea Note (R-PIN) presented to the World Bank's FCPF without consultation with indigenous peoples in Guyana.³⁰

Multiple concerns have also been raised in relation to the process for developing the LCDS policies. Whilst international monitors claim that consultation had met best practice principles during initial LCDS outreach in June-August 2009,³¹ reports from indigenous peoples tell a different story. Many meetings were rushed, materials were not provided in appropriate formats, legitimate community questions on land issues were rebutted by ministers (e.g., in LCDS meetings in Lethem), translation into local languages was defective, and most meetings

27 IDB (2013a) *Forest Carbon Partnership Facility in Guyana (GY-T1097)* TC Document, IDB, Washington DC

28 IDB (2013b) *Safeguard Policy Filter Report* 2013-08-05

29 IDB (2013c) *Safeguard Screening Form* 2013-08-05

30 Dooley, K, Griffiths, T, Leake, H and Ozinga, S (2008) *Cutting Corners: World Bank forest and carbon fund fails forests and peoples FPP and FERN briefing*, Moreton-in-Marsh

31 The IIED report did note multiple shortcomings in the government-run outreach process, including lack of feedback to hinterland communities after consultation and the lack of understanding on core elements of the LCDS. Surprisingly, however, these limitations did not impact IIED's conclusion that the 'consultations' were credible, transparent and inclusive. See IIED (2009) *Independent review of the stakeholder consultation process*, at page 5.

only lasted a few hours.³² The APA has highlighted the problem with overly technical language used in LCDS and REDD documentation and public presentations made by the government on numerous occasions.

The Guyana Human Rights Association has likewise recently raised the same concerns. It has stressed that the technical terminology of the LCDS and FCPF is a serious barrier to accountability and transparency in public policy making on forests and climate change in Guyana.³³

Independent capacity building work on rights issues carried out by the APA in 2011-12 with communities in Regions 1, 2, 7, 8 and 9, has confirmed that the level of understanding of the LCDS is low in Amerindian villages, while Amerindian awareness of REDD and related initiatives like the FCPF is even lower and close to zero in most cases. To date, the majority of the indigenous communities still do not understand the LCDS and how it could impact them. In 2010, it was proposed that ‘information sharing’ with Amerindian villages would be led by the National Tshaos Council (NTC), while the GFC would deal with ‘technical aspects’ of REDD. This has still not taken place (as of March 2014), though it is still promised in official FCPF documents, including the 2012 R-PP document.

Supporting the NTC to do its own capacity building and outreach would seem to be a good thing provided that the materials are well-balanced. In order to ensure effective capacity building, it would also be necessary for the NTC to be able to have full access to independent information on REDD and its risks and opportunities. At the same time, a note of caution is needed. Even if this NTC work does proceed, there are legitimate questions about the viability of consultation and outreach being left solely to indigenous peoples, when it is the state and also international agencies, like the IDB, that have duties and commitments to ensure community participation in their programmes and operations.³⁴

Participation and effective consultation in relation to specific investments under the LCDS have also been lacking. APA field visits to Patamona communities in 2011 and 2012 confirmed, for example, that the ‘flagship’ Amaila Falls Hydropower Project had not undertaken meaningful consultation with impacted communities. Social and environmental impact assessments had likewise failed to include effective mechanisms for the participation and input of local rights-holders and potentially affected villages (see Section 1). In the same way, while communities have broadly welcomed the solar panel units supplied under the LCDS frameworks, most were surprised to learn in 2012 of hidden service payments required each year. Beneficiaries claim that these payments were never explained clearly upfront to households and Village Councils.

In addition to ongoing shortcomings in LCDS participation frameworks, the issue of community participation in REDD readiness in Guyana is still unresolved. The GFC claims it has made numerous outreach efforts on REDD issues in hinterland communities. While some GFC visits to ‘cluster’ communities have been carried out, community consultations have still not taken place.

32 *Public Statement by participants Workshop on Indigenous Peoples’ Rights, Extractive Industries and National Development Policies in Guyana, March 2010.* See also, Colchester, M and La Rose, J (2010) *Our Land Our Future: promoting indigenous participation and rights in mining, climate change and other natural resources decision-making in Guyana* FPP-APA report, Moreton in Marsh

33 Stabroek News, October 27, 2013. *Complex language inhibits oversight in forest protection programme – GHRA*

34 On IDB commitments to ensure effective participation of indigenous peoples in all its projects and programmes affecting indigenous communities, see IDB (2006) *Indigenous Peoples and Indigenous Development: Operational Policy and Sector Strategy*. Available at: <http://idbdocs.iadb.org/wsdocs/getdocument.aspx?docnum=2032081>. IDB documents on the FCPF grant published in 2013 are not clear on the division of labour between international consultant, the GFC and NTC on the development and implementation of a readiness and REDD consultation strategy and action plan – see IDB (2013a) *Forest Carbon Partnership Facility in Guyana (GY-T1097) TC Document*, IDB, Washington DC at pages 3-4

Recent documentation from the IDB now indicates that a full communications plan for national REDD Strategy development will now be developed in 2014. However, the potential for confusion on the roles of the GFC, NTC, international consultants and the IDB in any communications and consultation effort remains (see footnote 33).

Ineffective framework for land tenure governance

One of the most glaring and serious gaps in the entire LCDS safeguards framework is a persistent lack of due attention to problems in national laws and normative frameworks for the titling and demarcation of Amerindian lands. The APA, among others, has communicated these problems and the need for corrective actions to the government of Guyana, international agencies including the UNDP and World Bank, as well as directly to the government of Norway on multiple occasions.³⁵ Problems with the current land rights system in Guyana have been confirmed by UN human rights bodies numerous times and these findings have also been made plain to international donors and the government (see Section 1). Unfortunately, however, to date no actions or even commitments have been made under the LCDS to address problems with the land rights framework in Guyana.

Though land tenure is seen as a core issue for Guyana's REDD plans (see above), the final version of Guyana's R-PP does not address substantive issues raised on land rights and FPIC by the APA in several formal submissions regarding the 2009 and 2010 draft versions of the R-PP. The December 2012 R-PP contains no direct acknowledgement that there are serious problems with the official process for titling and demarcation process for Amerindian lands. The R-PP discussion of demarcation "challenges" only refers to the perceived high cost of titling operations and the potential for disagreements on title boundaries between communities.³⁶

Attention to Amerindian tenure issues has been largely tied to a GRIF project for Amerindian Land Titling (ALT) with a budget of \$10.7 USD over three years (2013-2016). This project has never included community-level consultations. The APA can confirm that in 2013 most Amerindian villages were unaware of the contents of the UNDP-GRIF project and had little or no understanding of the government and UNDP proposed schedule for land titling, demarcation and processing of land title extension applications. Indeed, the ALT project document is not available at the village level. APA and international NGOs wrote to UNDP and the GRIF urging that the project must be designed in a participatory manner in order to meet LCDS safeguards and the UNDP's own policies on indigenous peoples. While the final project document pays lip service to international safeguards, there is no concrete plan to ensure compliance in project design and implementation.

Most worryingly, the 'situation analysis' in the project document is incomplete as it fails to identify weaknesses and gaps in Guyana's legal and regulatory framework for securing the land rights of indigenous peoples. The APA, FPP, RF-US and RFN recommendations for changes in project design have been disregarded, and the project was formerly approved in October 2013.³⁷ The disturbing fact is that the UNDP itself is likely itself to already be in breach of agreed social safeguards for failing to ensure adequate participation during the design of the project and for sidelining legitimate concerns raised by the APA and international NGOs.

35 *Comments by the Amerindian Peoples Association (APA) on the Government of Guyana project concept note on "Amerindian Land Titling and Demarcation" submitted to the Guyana REDD Investment Fund (GRIF), January 2011*

36 FCPF (2012) Guyana's Readiness Preparation Proposal (R-PP), December 2012 at page 35 <http://www.forestcarbonpartnership.org/sites/fcp/files/2013/FCPF%20-%20Readiness%20Preparation%20Proposal%20-%20Guyana%20December%202012.pdf>

37 *Amerindian Land Titling, demarcation to move ahead*. Available at: http://www.lcds.gov.gy/index.php?option=com_content&view=article&id=473:amerindian-land-titling-demarcation-to-move-ahead&catid=58:slide-show&Itemid=176

Also worrying is the fact that original plans for the establishment of a grievance mechanism for the ALT to receive community concerns have seemingly been abolished in the final ALT project document.³⁸ The only substantive safeguard remaining is a commitment to uphold the principle of FPIC in the project, yet how this will be done and according to which principles and agreed criteria are not at all clear (see C, Non-compliance confirmed by independent verifiers, below).

If the ALT FPIC system seeks to rely on existing rules and legal procedures, it is unlikely to work and will have little credibility as the Minister of Amerindian Affairs and the government's Lands and Surveys Commission officials are known to consistently interfere in (and even overrule) community positions and Village Council decisions in relation to land titling matters - itself one of the key problems with the existing system of land tenure governance (see Section 1).

APA strongly rejects any accusations that commenting on an international project and seeking adherence to agreed standards is in some way 'blocking' Amerindian titling, yet these accusations have allegedly been made to Village Councils and the NTC by government officials. The APA has welcomed efforts to progress with titling of indigenous peoples' lands in all its communications on the ALT, but it has at the same time insisted that any UN-sponsored programme must meet international standards to ensure that Amerindian collective systems of land tenure are duly recognised through transparent processes that are fair and objective, with guarantees for community access to agile and independent means of appeal when things go wrong (see also Section 1). So far these guarantees are not forthcoming and the LCDS is thus in breach of its own social commitments and Guyana stands to violate its international obligations.³⁹

World Bank papers on land tenure issues and REDD in Guyana have noted some of the problems with unresolved land issues in the country (including the Upper Mazaruni land rights case in the High Court), yet have failed to pinpoint underlying structural and legal causes for land tenure insecurity among indigenous peoples.⁴⁰ At the end of 2013, it still remained unclear how the World Bank's FCPF and the Inter-American Development Bank (as FCPF delivery partner) will address unresolved land issues as part of the implementation of the Guyana's REDD Readiness Proposal (R-PP). A recent update document from the FCPF issued in October 2013 on Guyana simply states: "discussions (on Amerindian land issues) are underway on approaches that may be used to address these claims in a mutually-agreeable manner during the readiness phase."⁴¹

The current prospects for progressive dialogue involving indigenous peoples look slim, given the reluctance of the GRIF and the UNDP country office to address proven problems in the land titling process. Matters are not helped by the fact that the R-PP itself fails to recognise systemic problems in the forest tenure framework, a shortcoming that APA has communicated to GFC and the World Bank numerous times, including through face to face meetings in Washington DC and in community forums in Guyana since 2009.⁴²

38 Though plans for a REDD 'conflict resolution and grievance' mechanism are contained in the IDB FCPF project document issued in 2013, there is no guarantee that this FCPF mechanism – if it is developed - will be linked to the GRIF land titling project.

39 APA (2013) *Concerns with Amerindian Land Titling Project under the Guyana/Norway Guyana REDD Investment Fund (GRIF)* APA Press Release, 25 October, 2013 <http://www.forestpeoples.org/topics/redd-and-related-initiatives/news/2013/10/amerindian-peoples-association-apa-press-release-co>

40 Childress, M (2010) *Land Tenure and Land Management Issues for REDD Preparation in Guyana: framing the agenda for policy discussion Paper* Prepared for the Annual World Bank Conference on Land Policy and Administration, April 26-27, 2010

41 *REDD Readiness Progress Fact Sheet COUNTRY: GUYANA Sept 2013* http://forestcarbonpartnership.org/sites/fcp/files/2013/Oct2013/Guyana%20FCPF%20REDD%20Readiness%20Progress%20Sheet_September%202013%20final.pdf

42 APA (2009) *Comments on the draft Readiness Preparation Proposal (RPP), September 2009* <http://www.forestpeoples.org/region/guyana/publication/2014/amerindian-peoples-association-apa-comments-draft-readiness-prepara-0> ; APA (2010) *Comments on the draft Readiness Preparation Proposal (RPP), April 2010* <http://www.forestpeoples.org/region/guyana/publication/2014/amerindian-peoples-association-apa-comments-draft-readiness-preparati>

Like the GRIF, however, the GFC has failed to act on the APA's legitimate concerns and constructive proposals on ways to address the land issues and find workable legal solutions.⁴³ Of deep concern is that the latest version of the R-PP reaffirms the rights of third parties, including loggers and miners, over Amerindian lands where leases and permits have been issued prior to government granting of a land title.⁴⁴

As explained in the first section of this report, it is unhelpful that legal rulings in Guyana's courts have sought to privilege the rights of third parties over communities, which in turn has led to protracted land conflicts and land insecurity for many Amerindian villages affected by miners and loggers occupying their titled and untitled customary lands. The lack of any formal process for land restitution and territorial ordering (*saneamiento*) of Amerindian land titles to ensure titles are undivided (i.e. without gaps and excluded properties and leaseholds) and secure is not addressed anywhere in the LCDS or REDD plans on forest tenure, nor in the UNDP-GRIF Amerindian Land Titling project. This remains a major shortcoming of the LCDS and Guyana's land policies in general (see Section 1).

Failure to uphold FPIC

Linked to the land rights issues is the failure of the LCDS to properly apply the FPIC standard for indigenous peoples. Although national media and government-run press has repeatedly suggested that indigenous peoples express support for LCDS and REDD, in reality there is still no agreed process for free, prior and informed consent and communities do not have adequate information to make informed collective decisions (see above).⁴⁵

While the Guyana 2012 R-PP claims that measures are taken to try and ensure that logging and mining rights are not issued on untitled areas under claim by Amerindian communities ('areas identified for extension'),⁴⁶ governmental practice in Guyana routinely ignores this core standard. As a result, timber and mineral concessions are imposed on Amerindian customary lands throughout the country, including on lands notified to the government for title extension applications. Violations of FPIC in relation to mineral and forestry developments have been committed by both GFC and GGMC in 2013 (see Sections 1 and 5).⁴⁷

Problems with the proposed 'Opt-in' framework

Numerous LCDS documents claim that the government will respect the principle of FPIC.⁴⁸ What is not made clear is that FPIC applies to LCDS decisions and actions that may affect Amerindian titled lands, whilst FPIC over community forests on untitled lands is not protected under either the LCDS or REDD. This major shortcoming seems to stem, at least

43 The R-PP does note that land tenure issues are 'complex' and challenging and does acknowledge that communities may not be happy with their title areas, but puts forwards no solution to these problems and does not explain why these grievances occur (most are linked to flawed titling procedures). Much of the tenure analysis in the R-PP centres on the financial costs of titling and demarcation. See *Guyana's Readiness Preparation Proposal (R-PP), December 2012* <http://forestcarbonpartnership.org/sites/fcp/files/2013/FCPF%20-%20Readiness%20Preparation%20Proposal%20-%20Guyana%20December%202012.pdf> at page 35

44 Ibid.

45 La Rose, J (2013) "Guyana: indigenous peoples and the lack of adequate consultation on REDD+" at page 8-11 in Accra Caucus (2013) *REDD+ Safeguards: more than good intentions? Case studies from the Accra Caucus on Forests and Climate Change* Rainforest Foundation Norway, HuMA, CED, APA and CARE.

46 FCPF (2012) *Guyana's Readiness Preparation Proposal (R-PP), December 2012* at page 35 <http://www.forestcarbonpartnership.org/sites/fcp/files/2013/FCPF%20-%20Readiness%20Preparation%20Proposal%20-%20Guyana%20December%202012.pdf>

47 See, for example, Guyana: *Wapichan people speak up once again for their lands and forests*, FPP Enews, July 2013 <http://www.forestpeoples.org/topics/extractive-industries/news/2013/07/guyana-wapichan-people-speak-once-again-their-lands-and-fo>

48 See, for example, LCDS (2013) at pages 9, 11, 22 and 33. See also, REDD+ Governance Plan (2011) at page 27; and Guyana's R-PP at pages 9, 20, 24, 28

in part, from a fundamental flaw in Guyana's legal framework that defines 'Amerindian lands' under the Amerindian Act as only those lands granted (sic) title by the state. This is in direct contradiction of international norms and obligations that establish that indigenous peoples' possession of lands and territories does not depend on prior grants or privileges given by the state, but are rather preexisting and inherent rights that require protection under law, including through respect for FPIC.⁴⁹ In other words, the minimum FPIC standard applies to indigenous peoples' customary lands and territories irrespective as to whether or not they possess legal title to those lands.⁵⁰

The GoG in 2013 claimed that the "overwhelming majority" of Toshias support the draft opt-in⁵¹ proposal that would form part of the LCDS and the REDD FPIC framework,⁵² yet Toshias spoken to by the APA and FPP report that elements in the draft opt-in paper still make little sense. Vital issues for agreement also remain ambiguous (e.g. approach to rotational farming and actual REDD rules that would need to be met by each Village deciding to opt-in).

The draft opt-in framework repeats the fundamental error in the application of FPIC and discrimination against untitled communities found in many national policies.⁵³ The Concept Paper establishes that only villages with legal title can opt-in, and that the decision to opt-in shall be guided by FPIC. Once again, the requirement for villages to be titled, as well as the assumption that FPIC applies only to titled villages is guided by the 2006 Amerindian Act, which contains some limited protection of the right to FPIC for titled villages, however it does not provide similar protection for untitled communities. This situation is not consistent with international law, or the Guyanese constitution. The UN CERD considers this discriminatory, and 'urges' Guyana to remove the distinction between titled and untitled communities from the 2006 Amerindian Act.⁵⁴

Considering the 'performance based' nature of the opt-in mechanism, it is vital that communities understand the full costs and obligations associated with entering into a legal agreement with the GoG over their forested lands. In contrast, the consultations so far have been somewhat one-sided, highlighting the praises for the LCDS and focusing on the possible financial benefits that could be accrued for Amerindian Villages, rather than potential challenges and risks for indigenous rights, freedoms and livelihood security: if people are asked to consider reducing the use of subsistence farms, where will they get their food? What are the potential impacts on their welfare and way of life? These are serious questions that have not been discussed nor answered so far under the LCDS/REDD initiative.

49 See IACHR (2009) *Indigenous and Tribal Peoples' Rights over their Ancestral Lands and Natural Resources: Norms and Jurisprudence of the Inter-American Human Rights System* <http://cidh.org/countryrep/Indigenous-Lands09/TOC.htm> See also, *Saramaka People v. Suriname. Interpretation of the Judgment on Preliminary Objections, Merits, Reparations and Costs Judgment* of 12 August 2008. Series C No. 185. http://www.corteidh.or.cr/docs/casos/articulos/seriec_185_ing.pdf.

50 See, especially, UNREDD (2013) *Legal Companion to the UN-REDD Programme Guidelines on Free, Prior and Informed Consent (FPIC) International Law and Jurisprudence Affirming the Requirement of FPIC*. UNREDD, New York

51 A Technical Working Group coordinated by the Office of Climate Change and comprising key Government entities has been tasked to take the initial steps towards developing the 'Opt In' Mechanism, and in early 2010 this group prepared a Concept Paper, *Developing a framework for an 'Opt In' Mechanism for Amerindian Communities*. This version was reportedly amended in 2012, but the authors have not obtained a copy of the latest version as the only version found on line is the original 2010 draft paper.

52 Guyana Chronicle, 25 October, 2013, *Toshias Conference reaffirms support for LCDS – signals approval for Draft Opt-in Mechanism*. Available: <http://guyanachronicle.com/toshias-conference-reaffirms-support-for-lclds-signals-approval-for-draft-opt-in-mechanism/>

53 Office of the President, Republic of Guyana. March 2010. *Developing a Framework for an "Opt In" Mechanism for Amerindian Communities*. Concept Paper, at page 3

54 UNCERD specifically "...urges the State party to remove the discriminatory distinction between titled and untitled communities from the 2006 Amerindian Act..." *Concluding Observations of the UN Committee on the Elimination of Racial Discrimination*, March 2006 at para. 15

In short, one of the most basic gaps in the whole FPIC and Opt-in framework is the absence of objective information on the potential costs and negative impacts (risks) for Amerindian Villages should they consider opting in to a contract for REDD. As already highlighted, this problem stems from the fact that no impact and risk assessments have been undertaken to pinpoint the potential advantages and disadvantages of joining a REDD scheme and receiving payments under the LCDS.

Non-compliance confirmed by independent verifiers

Following an independent review of the stakeholder consultation process for the LCDS by IIED in 2009, Rainforest Alliance was twice awarded the assignment to verify the progress in the enabling activities under the LCDS, in 2011 and 2012. When the report from the first verification audit was released in 2011, Rainforest Alliance received strong criticism from various international NGOs for not taking into consideration a series of concerns and proven challenges relating to problems in Guyana's legal framework in relation to indigenous peoples' rights.⁵⁵

In December 2012, the Rainforest Alliance released their second verification report. This time the verification team had more time for field visits and did conduct rigorous discussions with affected communities. They visited six different regions and met with representatives of 16 Amerindian villages. In total, the team met 264 members of Amerindian communities and 10 representatives of Amerindian organisations, in addition to other interested parties.

Guyana meets three indicators out of ten⁵⁶

The increased level of field visits by the independent verifier in 2012 delivered deeper insights into the delivery of the LCDS. Overall, the report found that Guyana had met only three of the ten indicators (with four indicators partially met).⁵⁷ The poorest performance was found in relation to protection of indigenous peoples' rights, Amerindian participation, multi-stakeholder consultations and measures to reduce forest degradation associated with mining (Box 9). The audit team concluded that Guyana had so far failed to conduct transparent and effective multi-stakeholder consultations, and that the MSSC was not an effective mechanism for communication and consultations between all stakeholders interested in the LCDS and REDD+ at the time of the audit (indicator 1). The report says that the role of the MSSC seems to have become more political and partisan as a result of what appear to be actions led by government representatives.

55 *Analysis of Rainforest Alliance Report on the Verification of Progress Related to Enabling Activities for the Guyana-Norway REDD+ Agreement*. Joint NGO Letter to Norwegian International Climate and Forest Initiative (NICFI) and Rainforest Alliance regarding independent verification of social conditions attached to Norwegian aid for forest and climate schemes in Guyana, April 2011 <http://www.forestpeoples.org/sites/fpp/files/publication/2011/05/norway-guyanamouanalysis-ra-report-final.pdf>

56 Note: Together with the release of the 2012 audit report from Rainforest Alliance, a revised and updated Joint Concept Note was launched. The verification indicators reviewed in the RA 2012 audit (presented in Box 7) are therefore from the previous JCN, while in the 2012 JCN two more indicators are listed

57 See Box 7 for table of enabling indicators

Box 9: LCDS verification indicators

Lcads verification indicators		Rainforest alliance's audit conclusion
1:	Transparent and effective multi-stakeholder consultation continue and evolve	Not met
2:	Participation of all affected and interested stakeholders at all stages of the REDD+/LCDS process	Partially met
3:	Protection of the rights of indigenous peoples	Not met
4:	Transparent and accountable oversight and governance of the financial support	Partially met
5:	Initial structure for the Independent Forest Monitoring (IFM)	Met
6:	Continuing stakeholder consultation on the European Union Forest Law Enforcement, Governance and Trade (EU-FLEGT) process	Met
7:	Continuing development of a national inter-sectoral system for coordinated land use	Partially met
8:	Continuing stakeholder consultation on the Extractive Industries Transparency Initiative (EITI)	Partially met
9:	Measures by the GoG to work with forest dependent sectors to agree on specific measures to reduce forest degradation	Not met
10:	Mapping of priority areas for biodiversity in Guyana's forests	Met



Field visits to villages made by FPP and APA throughout the hinterland of Guyana during 2009-2013 documented a general lack of understanding of LCDS policies and potential benefits and risks for Amerindian Villages.

Photo: Tom Griffiths

In the 2012 audit, Rainforest Alliance concluded:

“...participation, consultation and feedback from all affected and interested stakeholders, and specifically from Amerindian communities, as articulated in the JCN, were not effectively enabled during this evaluation period.”⁵⁸



The APA assembly held in May 2011 reaffirmed consensus among participants on the need for prior resolution of outstanding Amerindian land issues before LCDS and REDD projects may move ahead.

Photo: Tom Griffiths

The same social audit found that government outreach efforts have declined since 2009, with the Guyanese government making very few visits to Amerindian communities during the audit period.⁵⁹ Rainforest Alliance reported:

There has also been a noticeable reduction in the efforts by the Government of Guyana (GoG) to communicate and consult with stakeholders. Amerindian communities are particularly concerned about the lack of information available to them in regards to their many questions about the REDD+ activities, and the Low Carbon Development Strategy (LCDS) more generally. They are also concerned about the absence of a consistent, ongoing and robust approach or framework for interactions between the Government of Guyana (GoG) and Amerindian communities [...]⁶⁰

The Rainforest Alliance audit team observed that the level of interest and the desire for information was high among the Amerindians they met during their community visits, but they found that the level of frustration was also high and that good information about the LCDS and REDD+ was lacking in “most, if not all of the Amerindian communities visited.”⁶¹

58 Rainforest Alliance, December 2012, *Verification Of Progress Related To Indicators For The Guyana-Norway REDD+ Agreement*, Richmond, VT, at page 7, Verification Indicator 2. http://www.redd-monitor.org/wordpress/wp-content/uploads/2013/01/Rainforest_Alliance.pdf

59 Ibid

60 Ibid at page 5

61 Ibid at page 30

At the start of 2014, this situation had not changed: Amerindian villages and organisations still await the promised culturally appropriate capacity building and consultation programme for REDD promised under the FCPF several years ago.

As noted above, the opt-in mechanism is supposed to be the means by which forest-dependent Amerindian communities can participate in the REDD/LCDS process. The Rainforest Alliance audit found a lack of understanding, concerns and confusion with regard to the mechanism in most of the villages visited. Evidence gathered by the team suggests that the communities have been provided with insufficient information, and that the Government of Guyana had failed to enable indigenous communities to opt in:

Several cases make it clear that FPIC has been lacking in the REDD+/LCDS process, particularly with respect to territorial rights and the REDD+ opt-in process that will soon be available to forest-dependent Amerindian communities. The opt-in mechanism appears to suffer because of a lack of understanding by the very people who need to make a decision on how to proceed.⁶²

During the 2012 Independent Review, Rainforest Alliance reported difficulties in getting access to necessary and meaningful information on the land titling process and pending cases from the MoAA, who apparently withheld dates of pending applications for absolute grants, demarcation and extensions, despite requests from the audit team. This made it impossible for Rainforest Alliance to determine if the MoAA has complied with its own three-year plan for titling, demarcation and extension of Amerindian lands:

Multiple stakeholders indicate that the GoG has failed to document and address land titling concerns of many Amerindian communities within the time frame established by the Amerindian Act. Attention to, and negotiation over, untitled community lands and extensions appears to have stalled.⁶³

Reactions by the government of Guyana and Norway to this highly critical review have not been made public, short of the revised Joint Concept Note being released. The APA and FPP are unaware of concrete actions taken to address the shortcomings in meeting key social safeguards and commitments on the rights of indigenous peoples highlighted in the review.

Flawed 2013 audit

Despite recent GoG claims under the 2013 independent verification audit that “the UNDP and Government of Guyana ensured that the ALT project complied with the laws, policies and safeguards of Guyana, and the international treaties and declarations that it is a signatory”,⁶⁴ there is much evidence to demonstrate that this is not the case. Even though it is admitted in the audit report that customary rights are not properly documented,⁶⁵ the audit concludes that the LCDS is in compliance on respect for IP rights. In this regard LCDS and GRIF compliance with indicator 4 on indigenous peoples’ rights is highly questionable. It appears that the verifier contracted in 2013 (Indufor) has used the problematic GRIF Amerindian Land Titling Project as a proxy indicator for verifier 4.0 on “the rights of indigenous peoples”. In addition, the fact

62 Ibid at page 7, Verification Indicator 3.

63 Ibid

64 Indufor (2013) *Independent Assessment of Enabling Activities of the Guyana-Norway REDD+ Partnership: final report* Indufor, Helsinki, November 2013

65 Ibid at page 13. The report states: “Community Consultations with indigenous peoples were carried out through their own existing processes, with a representative from the Ministry of Amerindian Affairs and the village representatives and Tashaos (village/community chief). Special emphasis was given to issues of land tenure, resource use rights and property rights because in many cases, these may not be clear, especially if customary rights on land areas are not codified”

that Indufor was accompanied by MoAA in the meetings with Amerindian communities raises questions about the openness and impartiality of the consultations and thus independence of the audit.

The verifiers did not take account of (or did not examine) the documented concerns regarding the GRIF-UNDP land titling project raised by APA and civil society organisations that are available on the internet, including on FPP's web site. Also concerning are indications that key international NGOs interviewed by the Rainforest Alliance as part of the 2012 audit, were not interviewed in 2013 by Indufor. Neither FPP nor RFN (despite being civil society observer to the GRIF), were approached to make inputs to the verification process. These gaps and omissions raise serious questions about the credibility of the 2013 audit.

Performance-based payments

Guyana's LCDS and the bilateral agreement with Norway highlight the difficulties with implementing an international arrangement for performance-based payments. Determining the rate of deforestation is a critical factor for determining performance based payments in reducing rates of forest loss. In the Guyana – Norway MoU, the baseline was set around twenty times higher than the actual historical rate of deforestation.⁶⁶ During the first year of the agreement with Norway the actual rate of deforestation increased threefold (from 0.02% to 0.06% per year), yet Guyana received its first tranche of payments for reducing deforestation.⁶⁷

This caused some controversy in international circles,⁶⁸ and resulted in the MoU with Norway being modified to reduce payments if deforestation increases above 2010 levels, and halting payments if the deforestation rate exceeds 0.1%, which still allows for a considerable increase in deforestation (see Box 7). Deforestation has continued to rise since the Guyana-Norway MoU was put in place.⁶⁹ The overall increase in deforestation compared to the last decade is due to the damage caused by gold miners, with mining remaining the main cause of deforestation in Guyana. The increased deforestation in 2012 could see Guyana lose as much as US \$25 million, due to the modified MoU, which reduces payments if deforestation increases above 2010 levels.⁷⁰ As this report went to press, a final decision on the level of Norwegian payments to Guyana for 2012 had not been made.⁷¹

Despite the potential financial losses to Guyana from mining-driven deforestation, in January 2013, the Guyanese High Court ruled that mining permits obtained prior to the Amerindian Act of 2006 are not bound by its provisions, meaning miners do not have to obtain consent from villages before beginning mining operations. This is in clear contradiction of international norms and obligations as well as the safeguards in the Joint Concept Note to the Guyana-Norway agreement and in Guyana's own LCDS strategy (Section 1).

66 Henders, S and Ostwald, M (2013) *Guyana-Norway REDD+ agreement – Payments based on performance – or politics?* Focali brief <http://www.focali.se/en/articles/artikelarkiv/new-focali-brief-guyana-norway-redd-agreement-payments-based-on-performance-or-politics>

67 Some observers also question the methodologies used and accuracy of deforestation assessments completed by consultancy firms for monitoring of the Guyana-Norway agreement under the terms of the MoU and JCN, noting that estimates of deforestation linked to mining and logging appear to have disregarded official information showing an expansion in both sectors over the last few years.

68 See: Global Witness press release, March 2012, *Guyana sees a threefold increase in deforestation, despite landmark deal to protect its forests*. <http://www.globalwitness.org/library/guyana-sees-three-fold-increase-deforestation-despite-landmark-deal-protect-its-forests>; and Forest Justice, March 29 2011, *Deforestation skyrockets in Guyana despite deal with Norway*. <http://www.forestjustice.org/2011/03/29/when-things-fall-apart-deforestation-skyrockets-in-guyana-despite-deal-with-norway/>

69 Footnote 30 supra

70 Kaieteur News, November 2 2013, *Gov't admits deforestation could hurt Norway Funding*. <http://www.kaieteurnews.com/2013/11/02/govt-admits-deforestation-could-hurt-norway-funding/>

71 "Guyana, Norway still discussing 2012 payment" Stabroek News, 6 May 2014

Despite cases such as this indicating an apparent unwillingness of the government to tackle the drivers of deforestation, performance based payments from Norway have continued, highlighting that results-based payments are not necessarily the best way to incentivise performance in countries with severe governance and corruption issues.⁷² Performance measures aimed at improving environmental regulation and respecting rights could be a more direct and cost-effective way to achieve results in terms of reduced deforestation in Guyana.⁷³



Mining methods in Guyana are increasingly shifting towards highly destructive open cast land-based operations using large mechanised excavators, leading to extensive and permanent forest clearance.

Photo: Tom Griffiths

Local benefit-sharing

While major shortcomings exist in relation to performance in tackling deforestation and applying safeguards in the LCDS, components linked to local livelihoods have made some progress in delivering local benefits. As of April 2012, several thousand households had benefitted from the solar panels under the Hinterland Electrification Programme (HEP), as well as 21 schools and two health centres. The April 2012 LCDS newsletter reports that an assessment of the pilot programme (pre 2010) showed that the solar systems helped to improve the quality of life in many households, with increased reading, completion of school assignments and listening to educational programmes.⁷⁴

72 Karsenty, A (2011) *Can “fragile states” decide to reduce their deforestation? The inappropriate use of the theory of incentives with respect to the REDD mechanism.* Forest Policy and Economics

73 Karsenty, A et al (2012) *Financing options to support REDD+ activities.* CIRAD report for the European Commission.

74 Focus on the LCDS, Volume 1, April 2012. *Lives are set to be transformed under the LCDS as Hinterland Electrification Programme kicks into full gear.* <http://www.lcds.gov.gy/images/stories/Documents/newsletter/Focus%20on%20the%20LCDS.pdf>

The government of Guyana also reports that gradual progress is being made under the Amerindian Development Fund (ADF), which is supporting 180 Amerindian villages to compile Community Development Plans (CDP), including plans for ecotourism, sustainable agriculture, manufacturing, village business enterprises and transportation.⁷⁵ The inception phase for the fund was launched in March 2013, with President Donald Ramotar announcing that G\$5 million (US\$25,000) had been budgeted for each Amerindian community in Guyana for the development of their chosen project towards socio-economic development.

In August 2013, the MoAA and UNDP signed an agreement as implementation partners for the ADF, with the first US\$6 million available for the initiation phase, following an inception workshop in March 2013 for the initial pilot group of 27 communities. The GRIF project status table indicates that the 27 initial communities were selected to ensure that at least one village from each region and at least one project from each sector is represented.

In July 2013, MoAA and UNDP visited communities to conduct capacity building, provide technical assistance and sign agreements with communities/villages for CDP funding and implementation, with over G\$73,000,000 disbursed to communities by September 2013.⁷⁶ Agreements have been signed between MoAA and the respective Toshias of seven Region 1 communities: Kamwatta, Manawarin, Waikerabi, Barabina, Three Brothers, Baramita and Four Mile, to begin funding for their CDPs.⁷⁷ The initial pilot group of 27 communities will be given a nine month implementation deadline. After an assessment, the second stage of the project will be implemented and the funds will be dispersed to the remaining Amerindian communities. However, to date no independent assessment has been undertaken to assess the quality of the CDPs.

The GoG has committed to developing a benefit-sharing mechanism under the ADF, as part of its 2015 goals.⁷⁸ This is supposed to be in line with FPIC, and to form part of the opt-in mechanism, but as of yet there has been no stakeholder consultation on what the benefit sharing mechanism would address or how it would operate.

75 Initiation Plan for the Amerindian Development Fund signed Monday 13 August 2012 http://www.lcds.gov.gy/index.php?option=com_content&view=article&id=442:signing-of-the-initiation-plan-for-the-amerindian-development-fund-adf&catid=58:slide-show&Itemid=176

76 Focus on the LCDS, issue 4, September, 2013: *GRIF projects status update*. <http://www.lcds.gov.gy/images/stories/Documents/september%202013.pdf>

77 http://www.lcds.gov.gy/index.php?option=com_content&view=article&id=461:-first-batch-of-villages-sign-agreement-to-implement-community-development-plans-toshias-express-happiness&catid=55:slide-show

78 *Low Carbon Development Strategy Update: transforming Guyana's economy while combating climate change* Office of the President, Republic of Guyana, March 2013, Table 3a - proxies used as part of REDD+ model: earning payments, proxy indicator 4.4: *Rights of indigenous peoples and other local forest communities and safeguards for REDD+ participation, at page 89*. http://www.lcds.gov.gy/images/stories/Documents/low%20carbon%20development%20strategy%20update_final_march%202013.pdf



The LCDS has been effective in delivering solar panels to Amerindian Villages and outlying families and minor settlements, though hidden service payments have taken most users by surprise.

Photo: Tom Griffiths

Most of Guyana's old growth and high carbon stock forest is located on the untitled customary lands of indigenous communities, as pictured here in the Upper Essequibo basin. Indigenous peoples in Guyana maintain that land rights issues must be resolved and titles secured over their community forests before any negotiations and FPIC processes can start with communities in relation to the forest projects under the LCDS.



Conclusions and recommendations

Taking stock of the LCDS and related forest and climate initiatives in Guyana reveals a mixed picture. On the one hand, some worthwhile local benefits are being delivered. On the other, fundamental commitments on social issues, rights protections and transparency are not being met. These failings risk undermining the sustainability of the entire initiative, and could end up generating adverse impacts on indigenous peoples in Guyana.

This critical review has stressed that one of the main obstacles to sustainability is that land rights protection for indigenous peoples in Guyana still fails to meet international standards. Shortcomings in the 2006 Amerindian Act on land rights matters are widely documented, as well as inconsistencies in the 2009 Forest Act (yet to come into force). APA maintains that effective implementation of social standards and safeguards in Guyana will require national legal and policy reforms under the LCDS and related national policies like FLEGT. These initiatives must enable positive policy changes and set in train a process of legal and governance reforms to ensure sustainability and respect for human rights, including alignment with the minimum standards set out in the UN Declaration on the Rights of Indigenous Peoples (see also Section 5 on FLEGT).

APA welcomes efforts to secure Amerindian land rights, such as the titling of some indigenous peoples' lands and territories, but actions must address and resolve the pending land issues of all Amerindian communities (the current GRIF ALT plan has left many villages out). Land tenure measures need to be carried out in conjunction with broader reforms of national policies in relation to land rights, forests and indigenous peoples. Any programmes carried out under the LCDS must meet international standards to ensure that Amerindian collective systems of land tenure are duly recognised through transparent processes that are fair and objective, with guarantees for community access to agile and independent means of appeal when things go wrong.

Other unresolved needs and issues of importance to indigenous peoples likewise require urgent attention, including the vital need for workable and fair FPIC procedures covering untitled customary lands. Treatment of rotational farming under the LCDS policy framework must also be clarified and fully respectful of traditional practices. At the moment, the LCDS policy on this matter is unclear. "Agricultural conversion" is identified as a key driver of forest loss in Guyana Forestry Commission REDD documents, without specifying which agricultural activities are causing 'deforestation'. These are core matters of concern to indigenous peoples that require public discussion and balanced and fair treatment in line with the Guyanese constitution (Article 149G) and related international obligations.

Public participation in national climate schemes must also include open debate on the pros and cons of different finance options for forest protection payments, including risks of corruption and fraud linked to carbon markets and trade in offset credits, as well as the effectiveness of performance based payments; this discussion has not taken place thus far in Guyana.⁷⁹ Crucially, further development of LCDS and related national forest and climate schemes must ensure prior resolution of Amerindian land issues, enable capacity building for communities and their organisations and develop consultation plans in line with FPIC principles and standards. To this end, the APA has the following recommendations for the further funding and implementation of the LCDS:

⁷⁹ See, for example, Global Witness (2011) *Forest Carbon, Cash and Crime*. GW, London. <http://www.globalwitness.org/library/forest-carbon-cash-and-crime>.

1. Protect land and territorial rights

The LCDS must establish a fair and transparent process to reform and strengthen land-titling procedures in Guyana to bring them in line with international obligations and standards, including under the GRIF Amerindian land-titling project (2013-16):

- Measures to ensure respect for indigenous peoples' land rights must necessarily include changes to the Amerindian Act in relation to methods and regulations for land demarcation, delineation and titling based on customary occupation, land use and traditional tenure
- The GRIF project for Amerindian Land Titling (ALT) needs to undertake community consultations as a priority for finalising the design and operation of this important project, including development of solid procedures for application of FPIC (including FPIC verification measures)
- The GRIF ALT project should also include plans for a project grievance mechanism
- Robust safeguards for Amerindian land and territorial rights must likewise be built into the IDB implementation of the FCPF REDD+ Readiness grant in Guyana. It is essential that baseline studies and consultations on land issues occur as a priority action under this readiness grant
- The Government of Guyana must recognise community maps showing lands under traditional occupation and use and acknowledge the value of these maps in the settlement of territorial claims, land titling and processing of title extension applications.

2. Ensure transparency, participation and effective consultation

- LCDS policies, including the design of benefit sharing mechanisms, must be subject to a thorough and fair consultation process, in order to ensure full understanding of these policies and their implications by impacted groups
- Much more consultation on the opt-in mechanism is needed at the community level, before it is finalised
- More time must be allowed for effective consultation processes, which adhere to international standards, including the provision of material in local languages, and in an appropriate and accessible format.
- Consultation has to allow adequate time for due respect for local internal systems of decision-making within and between Amerindian Villages
- Caution must be taken not to overburden the NTC with 'consultation' duties
- The GFC and IDB need to ensure that consultation approaches and official information materials on REDD are fair, balanced and transparent, with full information on risks, disadvantages and potential costs of REDD for communities (not just potential benefits and possible advantages)
- Robust participation must be guaranteed for the completion of the SESA and the approach needs to involve careful consideration of potential impacts with communities and indigenous peoples' organisations

3. Develop FPIC procedures and mechanisms in collaboration with indigenous peoples

- FPIC protection must apply to untitled customary lands and territories and not be restricted to titled lands only

- Local Village Council and community rules on FPIC must be respected and must be integrated with any national FPIC procedures
- Mechanisms for independent verification of FPIC have to be developed (for LCDS, FCPF and GRIF-ALT)

4. Take urgent action to address shortcomings in safeguard implementation under the LCDS and related forest and climate projects

- Problems with the 2013 audit of ‘enabling’ conditions must be acknowledged and timely remedial actions need to be taken to address the unresolved shortcomings pinpointed in the 2012 audit
- The planned independent monitoring of safeguards by the IDB for the FCPF readiness project should involve indigenous peoples’ communities and organisations