

Indigenous peoples' rights, REDD and the draft Low Carbon Development Strategy (Guyana)



A summary report of a workshop
held in the Regency Suites, Georgetown

24–26 June 2009



**AMERINDIAN PEOPLES
ASSOCIATION**



**Forest
Peoples
Programme**

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Acronyms

AD	Avoided deforestation
APA	Amerindian Peoples Association
CI-Guyana	Conservation International-Guyana
FCPF	Forest Carbon Partnership Facility
FPIC	Free, prior and informed consent
FPP	Forest Peoples Programme
GFC	Guyana Forestry Commission
GGMC	Guyana Geology and Mining Concession
GOIP	Guyana Organisation of Indigenous People
IIED	International Institute for Environment and Development
LCDS	Low Carbon Development Strategy
NTC	National Toshihos Council
REDD	Reducing emissions from from deforestation and forest degradation
R-Plan	Readiness Plan
S-SOS	Society for Sustainable Operational Strategies



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Organisation, participation and materials

The Amerindian Peoples Association (APA) organised and hosted a workshop held at the Regency Hotel, Georgetown, from 24–26 June 2009, aided by Forest Peoples Programme (FPP) who provided technical support and facilitation services. Government officials and NGOs working on 'Reducing emissions from from deforestation and forest degradation' (REDD) and Guyana's Low Carbon Development Strategy (LCDS) issues were invited to present to the meeting updated information on government plans for forest and climate protection programmes in Guyana on the second and third days. Note taking and logistical backup were provided throughout the workshop by Ms Miranda La Rose and Ms Lorena Vaca.

Participation

Twenty-five Amerindian leaders, including six women, attended the meeting, though numbers fluctuated between 15 and 20-plus people over the three days. Representatives from the National Climate Committee and the Office of the President were unable to attend on the third day of the meeting as planned, so the agenda was adjusted to enable them to talk to the meeting at the end of the second day. Government and NGO presentations were followed by questions and discussions among all participants.

The majority of workshop participants included Toshaos, former Toshaos, elders and younger Amerindian leaders from Regions 1, 2, 7, 8 and 9. The Amerindian lawyer, David James, was also present for three sessions to provide legal advice to the meeting. Two representatives from Guyana Organisation of Indigenous People (GOIP) also attended the workshop. NGO participation involved the Forest Peoples Programme which presented several training materials on REDD and rights issues. A consultant from the International Institute for Environment and Development (IIED), hired to monitor the REDD and LCDS process for the Norwegian government, was also invited to talk on public consultations relating to the government's recently launched draft Low Carbon Development Strategy (LCDS). On the third day of the meeting, in the morning session, Conservation International–Guyana (CI–Guyana) made a detailed presentation on policy-making, planning and institutional issues relating to REDD programmes in Guyana.

Workshop documentation and background materials

Participants were provided with a folder containing several information documents including:

- o Draft agenda for the three-day meeting
- o *A brief and basic guide to REDD* (FPP briefing, June 2009)
- o *Indigenous Peoples' Rights and Reducing Emissions from Deforestation and Forest Degradation: The Case of the Saramaka People v. Suriname* (FPP briefing, April 2009)
- o *Cutting Corners: World Bank's forest and carbon fund fails forests and peoples* (FPP–FERN briefing, November 2008)

- o *Community Guide to the World Bank's Indigenous Peoples Policy (OP/BP 4.10)* (FPP training material, 2007)
- o *Making free, prior and informed consent work – issues and challenges for indigenous peoples* (FPP briefing, 2007)
- o *Indigenous Peoples Statement on Climate Change*, Anchorage, April 2009
- o *Carbon trading and violation of FPIC rights in REDD programmes in Papua New Guinea* (Ecoforestry Forum Press release, June 2009)
- o Printed copies of three of the four PowerPoint FPP presentations compiled for the workshop ('Introduction to REDD', 'REDD and Rights' and 'REDD and FPIC')
- o Documents on the Akawaio, Arekuna, Wapichan and Arawak languages
- o Briefing on Paulo Cesar Quarteiro
- o United Nations Declaration on the Rights of Indigenous Peoples

Day 1: Training on REDD and indigenous peoples

Chairperson: Lawrence Anselmo

Rapporteur: Miranda La Rose

The workshop was opened by Mr Tony James with a warm welcome to all participants and an introduction to the background and purpose of the meeting. Mr James explained that the workshop had been organised to help indigenous community leaders make decisions about how to deal with various challenges relating to forest and climate policies affecting Amerindian lands and communities in Guyana.

All participants then introduced themselves, identifying their home region, village and leadership roles. FPP presented the background to the work of the organisation and highlighted that FPP is not involved to tell people what to think about REDD or the LCDS, but rather to inform Toshias, elders, leaders and community members about REDD and carbon trading and what the issues are, as well as the potential opportunities and risks of these policies for indigenous peoples in Guyana.

Jean La Rose outlined the draft agenda and explained logistical issues. She explained that the workshop was structured to discuss indigenous issues in relation to REDD, climate change and the government's draft Low Carbon Development Strategy. APA called for feedback from participants on what has happened so far in the LCDS 'consultations', as well as for feedback on forest and conservation projects in general taking place on Amerindian lands. Participants were also encouraged to share the workshop information and outcomes along with the knowledge they have gained with their communities on their return home.

Introduction to REDD

Forest Peoples Programme then gave a presentation to the workshop on general issues and the background to Reducing Emissions from Deforestation and forest Degradation and carbon trading. Among many points raised in this presentation, FPP highlighted that while governments, international agencies and conservation NGOs are focusing on making national systems 'ready' for monitoring and verification of deforestation and emission rates, very limited attention has so far been paid to REDD readiness activities that must involve clarification of land rights, the establishment of effective mechanisms for good faith public consultation, good governance procedures and equitable benefit sharing.

This first presentation was followed by a group discussion in which participants highlighted the following:

- Much of Guyana's forests are located on the traditional lands of indigenous peoples, but much of this land as yet has no formal title.
- In some areas, like the North-West Region, most standing forests and maiden bush are located on customary lands outside existing Amerindian titles.
- Lack of secure tenure over ancestral forests is a major concern for indigenous peoples.

- If the government claims ownership over these forests the state may end up being the primary beneficiary, and benefits for Amerindians might be indirect and limited
- Several participants questioned the term 'state forest lands', emphasising that much of Guyana's forests belongs to its indigenous peoples under their customary and inherent rights that predate the Dutch and British rule.
- Participants noted that they will not use the term 'state forests', and instead prefer use of the terms 'our ancestral forests' and 'our forests' to make clear that indigenous peoples are seeking recognition of ownership and customary rights.
- During previous climate change meetings held with the Office of the President in recent months, APA had several times asked how indigenous peoples' traditional untitled lands would be treated under REDD and the LCDS, but as yet has received no clear response.

REDD: rights, risks and opportunities

Following a break, FPP presented a further talk going into more detail about REDD and the possible risks and potential opportunities for indigenous peoples in Guyana. It was stressed that the scale and nature of benefits from REDD and avoided deforestation policies will depend, among other things, on:

- Who sets the rules for REDD?
- Who defines 'deforestation' and how?
- Who defines 'degradation' and how?
- Who decides what is 'sustainable'?
- Who decides what is unsustainable?
- Who owns the land and the forest?

Emphasis was placed on multiple public statements worldwide in which indigenous peoples have called for full respect for their rights in all climate-related programmes, including REDD, in accordance with the UN Declaration on the Rights of Indigenous Peoples and related human rights instruments. It was noted that in Anchorage in April 2009, indigenous leaders had adopted the slogan 'No REDD without rights' to express their common position. It was noted that Guyana has ratified several international treaties that uphold indigenous peoples' rights including:

- International Convention on the Elimination of All Forms of Racial Discrimination
- International Covenant on Economic, Social and Cultural Rights
- International Covenant on Civil and Political Rights
- Convention on Elimination of Discrimination Against Women
- Convention on the Rights of the Child
- Convention of Biological Diversity, (Article 10(c) etc.).

FPP explained that while Guyana has not ratified the American Convention on Human Rights, it has signed the American Declaration on the Rights and Duties of Man, which the Inter-American Commission has concluded is indirectly binding. Certainly, the jurisprudence on indigenous peoples' rights (court decisions, rulings, judgements and official opinions and observations) of the Inter-American Court of Human Rights and the Inter-American Commission are directly relevant to Guyana – as pointed out in the

Saramaka, REDD and rights briefing circulated to participants. It was also pointed out that under Article 4(8) of the UN Framework Convention on Climate Change, states have a duty to ensure that climate mitigation and adaptation measures avoid negative social and environmental impacts.

Participants were advised that under international law indigenous peoples have established rights to, *inter alia*:

- Ownership and control of customary lands
- Exercise customary law
- Represent themselves through their own institutions
- Give or withhold their Free, Prior and Informed Consent (FPIC) to activities planned on their traditional lands (*including* untitled lands)
- Control and share benefits of their traditional knowledge
- Be free from forced relocations and economic displacement
- Self-determination

Risks and potential opportunities under REDD policies and programmes were then noted and the session was opened up once more for group discussion. During this discussion several key points and observations among participants emerged:

- National land tenure and land rights policies in Guyana are weak and have serious problems.
- Official land policy currently dictates that communities must first demarcate existing titles before being eligible for land title extensions, yet communities are repeatedly told that there are not sufficient public funds for demarcation, so the whole process is stalled.
- When questioned about titled or untitled Amerindian Lands, the government's response has been that they will always address the land issue according to the 2006 Amerindian Act, yet this national law does not provide for traditional land security. It has been repeatedly condemned by UN human rights bodies as falling short of international standards on indigenous peoples' land rights.
- Rather than REDD readiness, there is a need to talk of 'indigenous peoples' readiness': Are we ready? Let us get organised! (Sydney Allicock)
- There is a need to make sure that information reaches every Amerindian village and settlement so they can understand REDD and the LCDS and what it may mean for their rights and interests.
- Indigenous communities, organisations and the National Toshias Council (NTC) have the right to request their own independent legal advice: they have the right to have their own lawyers working for them.
- The National Toshias Council should have their own lawyer present in all discussions with the government.
- Organisations must also have access to independent international experts of their own choosing to help them respond to forest and climate policies.
- Toshias need to have one whole day among themselves to talk and listen to one another internally, as there is a risk that the politicians are going to use the NTC conference to rubber stamp their LCDS-REDD plans.
- Several participants expressed concerns that the NTC is weak and even the Secretary to the NTC is still unaware of what Toshias already signed on climate and forest issues in the NTC meeting with the President's Office held in October 2007.

- Participants noted that it is essential that Toshias be strong and speak up for their rights. The global slogan is 'No REDD without rights' – there is a need to adopt this position in Guyana and for Amerindian communities to stick together.
- The knowledge of NTC must be strengthened and they must be given space to meet and develop their own strategies.
- Indigenous peoples must explain what meaningful and culturally appropriate 'consultation' means for them.
- There is now a better understanding of the Amerindian Act and consequently we can see a lot of weaknesses within the Act; and now Toshias are going to take this issue to the NTC.
- Indigenous communities and organisations must seek funding to train more lawyers and benefit from legal minds like David James.
- Young Amerindian people are preoccupied with paid employment and are not informed about the land issue: elders and leaders need to educate youth and ensure they are up to speed on the territorial claims and land title extension requirements of their communities based on traditional rights and the needs of a growing Amerindian population.
- The focus and concerns should not be confined to forests, but to all ecosystems in Guyana, including savannah lands – there are serious concerns about draft LCDS agro-industry plans for traditional lands in savannah areas.
- As well as serious risks to traditional farming and other livelihood activities linked to poorly designed REDD/AD policies, participants noted the risk of inter-community conflicts. If one village 'opts in' to government and Guyana Forestry Commission schemes for REDD, while neighbours decide to stay out, what happens to their traditionally shared resource areas? Even if they have traditionally shared resources with other villages on their titled lands – as occurs presently in many parts of Guyana – will the 'REDD community' seek to restrict access by their neighbours?

Some younger participants asked how it is possible to measure carbon on forest and non-forest lands and how much carbon might be worth? FPP explained the basis for measuring carbon in metric tonnes and how this is achieved through detailed measurements in transects and one-hectare quadrant samples across a range of vegetation, habitat and ecosystem types. Once a solid figure is calculated for each sample area, then satellites, aerial photography and new technologies can be used to assess the extent of each vegetation type on a given area of land. The figures can then be added up to give an estimated total tonnage of carbon in the soil and vegetation.

FPP advised that the price of carbon (in a market system) is uncertain and would go up and down (as the world price of wheat, for example, rises and falls) and could be quite low given that any inclusion of forests would be likely to increase 'supply' and thus bring world prices down in line with basic economics. If there is a lot of farine for sale in Mainstay village, for example, the local price might well come down. NGOs, governments and carbon speculators are all looking at this problem right now and have still to find a solution. Apart from the many ethical and scientific problems with carbon trading, a growing number of experts are questioning the usefulness of carbon trading on economic grounds.

It was noted that community expectations relating to potential income from REDD should not be raised too high. Any revenue from REDD (whether from markets or public

funds) might take several years to start flowing, so no-one can predict the actual scale of monetary or other benefits for communities at this stage. Evidence from other carbon-trading schemes for plantations and afforestation suggest that benefits are quite modest per household. It was stressed that the carbon market in forest credits is currently quite small and the carbon price is usually lower (due to the increased risk for investors).

A global market in forest credits itself depends on intergovernmental agreement in the climate convention. However, as powerful governments (e.g. Federal government of Brazil) and large sections of civil society, as well as a significant number of indigenous peoples, remain opposed to forest offset credits, the deal is therefore not done and the market is not secure. FPP explained that many social justice groups in the North and South argue that the right way forward is an international climate fund based on the principles of ecological debt and the 'polluter pays' principle.

Other participants argued strongly that communities must not solely set their sights on potential monetary income, but first make sure that their basic land and territorial rights and right to prior consent are respected. It was stressed that land and forests are not just about money. Participants agreed that forests and other ecosystems hold many values for Amerindian communities, including spiritual values which cannot and must not be valued in monetary terms.

It was stressed that before signing agreements for 'development benefits' or 'development funds' offered by the government, Amerindian leaders need to look carefully at the possible impacts of these schemes on their peoples, and their local and traditional livelihoods and territories. These participants emphasised that there is a need to look at the detail and avoid hasty decisions.

Community land use and territorial mapping

Mr Ron James provided a short presentation on experience with community mapping undertaken by Amerindian communities with APA support over the last 12 years. He noted that community land-use maps have been completed in Regions 1, 2, 7 and 9. He commented that maps of traditional occupation and use can support effective land demarcation and, in programmes like REDD, could help clarify land tenure and resource use. These maps can help show the extensive resource use of indigenous peoples and can show how Amerindian peoples have names for creeks and forest areas which differ from government maps. Incorrect naming of waters, rivers and mountains on government maps has caused errors in existing titles and is hampering the extension process: indigenous land-use maps would provide accurate information to help overcome these problems.

The historical information contained in community maps also demonstrates how rotational farming systems have maintained forest cover and how many of our old farms and 'nature farms' are found in high bush areas. Indigenous peoples in Guyana should be provided with more technical support to train indigenous cartographers and undertake mapping projects in the various regions. Existing community maps need to be updated in line with the advancements of new technology. Support is needed to help communities complete outstanding work and map areas still to be surveyed. Maps are also useful to help our communities make decisions regarding land use and development. At the same time, community maps can be used as the basis to make claims for extension to land titles and to avoid land claim conflicts.

Participants welcomed the presentation, and general agreement emerged of the need to build the technical skills and train Amerindian youth in mapping and the use of computerised GIS (geographic information system) technologies. Several leaders recommended the need to form a team of indigenous experts drawn from Amerindian communities to be trained in mapping and land management methodologies. Others noted that one step forward would be formal recognition of existing community maps by the government as a basis for dialogue on land issues and new policies on forests and climate change and the LCDS.

Land policy and land and resource rights

Following the lunch break, the Attorney at Law, David James, gave a presentation on land titling and land and resource rights in Guyana. He explained to participants that:

- (a) Amerindian land rights issues remain unresolved in Guyana. A number of communities are without title to their traditional lands. The Draft Low Carbon Development Strategy (LCDS) states that ten communities are untitled. This means that there are at least ten untitled communities without rights protection provided to titled villages under the Amerindian Act 2006 – which itself has severe inadequacies as a legal framework for protecting the rights of Indigenous peoples.
- (b) The LCDS states that there are eight outstanding applications for extension to titled communities but this number could be higher.
- (c) Of the 24,000 square miles of land recommended for titling by the Amerindian Lands Commission in 1969, only half has been titled. The Amerindian Lands Commission Report of 1969 reported that Amerindian leaders of the time identified 43,000 sq miles as Amerindian lands. The Commission only recommended 24,000 square miles to be titled as they stated that Amerindians were unable to administer the large areas they requested.
- (d) Since there is a very substantial area that had not yet been titled to Amerindian communities, when it comes to REDD and the LCDS, it should be stated clearly that untitled traditional lands have to be accounted for. The requests for titled lands and extension of lands are based on the recommendations of the Amerindian Lands Commission report of 1969 which came out of the Independence agreement. It must be emphasised that the satisfactory resolution of Amerindian land rights needs to be addressed as a priority.
- (e) Amerindian land rights and REDD, or the LCDS, are so intertwined that indigenous communities need to clearly say that these two issues cannot be separated. If land rights issues are not addressed expeditiously and in an equitable way, indigenous peoples could have their property rights infringed and could lose benefits that are rightfully theirs. There is a legal basis through the Independence Act to address Amerindian land rights issues.
- (f) On the question of carbon trading, REDD and land rights, indigenous peoples have to work out clearly the manner in which to proceed. It is necessary to have the land and territorial rights issue addressed as a priority in any REDD or LCDS arrangement.
- (g) In terms of forested land appropriated by the state from an Amerindian community, such as for the building of public roads, representation for compensation is recommended. The constitution makes provision for compensation in the case of the state appropriating private property and Amerindian titled lands are analogous to private property.

- (h) The consultations on the LCDS provide the opportunity to call for the revision of the Amerindian Act 2006 to include provisions for protection of rights that are not now protected in the Act. At present the 2006 Amerindian Act does not have adequate protection in relation to land rights. The sections of the Act that deal with land titles do not contain any right of indigenous peoples to their traditional lands, territories and resources. Furthermore, because the Act also does not contain any objective criteria for titling it allows for the arbitrary determination of Amerindian lands by the Minister. Since the passage of the Act, Amerindian communities that have applied for titles or extension of titles have complained that the typical first response of government to such applications has been to 'make it smaller'. Because of the inadequacy of the Amerindian Act, it does not allow for legal recourse in land titling cases. Therefore, Amerindians would have to apply for protection under international law. However, Guyana is not a signatory to the Inter-American Commission on Human Rights; this could make the matter of representation and redress uncertain. Other options exist, however, including use of the United Nations human rights bodies including the UN Committee on the Elimination of Racial Discrimination (CERD).
- (i) As regards the draft legislation on Protected Areas – that would possibly have important implications for REDD policies and indigenous peoples' rights – this draft has not yet been released for public comment.
- (j) With regard to the Forests Act 2009: it was approved by Parliament in January 2009, but as of this date the President has not assented to it, so the Act is not yet law. There are some concerns about the new forest law because traditional Amerindian rights to 'state forest' have been reduced to 'sustainable non-commercial' use with the loss of general protections for customary rights. This change in the law represents a significant weakening of protections for indigenous peoples' rights to forest in so-called 'state forest'. Since the Act does not define what are 'sustainable non commercial practices' this could have implications for communities which collect fruits, beads, seeds and other non-timber products for food or art or craft which they at present trade.
- (k) It is very important to recall Guyana's obligations under other human rights instruments like the International Convention for the Eliminations of All Forms of Racial Discrimination (ICERD). The ICERD Committee, known as the Committee for the Elimination of Racial Discrimination (CERD) has called on Guyana to amend the Amerindian Act to recognise and protect the rights of all indigenous communities to own, develop and control the lands which they traditionally occupy including water and subsoil.
- (l) Amendments to the 2006 Amerindian Act are required in order to establish adequate procedures and to define clear and just criteria to resolve land claims by indigenous communities (such criteria do not yet exist). The Act must also be revised to strengthen protections for the right to free, prior and informed consent in relation to large-scale mining developments and other developments affecting Amerindian titled lands and customary lands that remain without title.

Following the presentation there was an animated discussion. Participant Sydney Allcock suggested the possibility of having the workshop contributions documented and shared with community leaders. He also suggested adding to the Amerindian Act to make it stronger in relation to land issues in keeping with international law. Mr Allcock also suggested that Amerindian leaders ask the government of Guyana to ratify the American Convention on Human Rights.

Tony James noted that residents of Region 9 have expressed concern about the consultations and certain aspects of the draft LCDS, but have been told that the initial stage was just the 'sharing of the information.'

Participants expressed concern that one of the biggest challenges for community leaders is understanding the legal issues. Participants again suggested that the National Toshias Council seek financial and technical support for legal minds to inform indigenous peoples so that they are properly informed to make their own choices.

The Chairperson noted that while there are significant risks associated with flawed REDD or LCDS policies, if indigenous peoples' land, resource and other rights can be secured and unjust targeting of traditional practices avoided, then there may be good opportunities for sustainable development.

At this juncture, the Chairperson introduced Mr. Jerry La Gra of the Society for Sustainable Operational Strategies (S-SOS), an NGO, who shared with the meeting recent validated experiences of sustainable community-based farming in Amerindian communities in Guyana. He noted opportunities (village-level production and processing of peanuts, cassava and rice, among others) for new and improved approaches to community development based on village-level research, improved methods of technology transfer, on-going training in business management and development of farm and forest resources. These proposals were warmly received by all participants. In closing the talk, S-SOS noted that continued farming and forest resource rights would be essential for technical, economic and social sustainability of indigenous communities in all the hinterland regions of Guyana.

The Chairperson thanked Mr La Gra for his talk. FPP then summed some up the key points coming out of the first day's discussions:

- REDD poses risks *and* opportunities for indigenous peoples.
- Securing rights is key to the potential impacts and benefits.
- Existing laws and land policies do not adequately secure indigenous peoples' traditional land rights. They have no rights over subsoil and water resources.
- Rights to free, prior and informed consent are limited, and are non-existent on untitled traditional lands where developments like mining directly affect the rights and welfare of Amerindian communities. The same problems relate to new forest and climate policies which might restrict Amerindian rights in ancestral forests.
- There is a need to clarify a lot of issues with the government about its LCDS and REDD plans, to ensure that it understands Amerindian land use, especially rotational farming that must be protected.
- The whole carbon market issue is controversial and poses many questions. It may just be hot air and do little to protect the climate. Critics of trading in carbon offsets say it is a false solution to tackling climate change.
- It is essential to tell the government what Amerindian communities want to see, and what genuine meaningful consultation means for indigenous peoples in Guyana.

Day 2: Telling our own stories

Chairperson: Tony James

Rapporteurs: Miranda La Rose and Lorena Vaca

The Chairperson welcomed participants to the second day of the meeting. He noted that national press articles were highlighting how well the LCDS meetings in Region 9 had gone, but had failed to report Amerindian concerns and the priority rights issues raised.

A participant from the North Rupununi advised that with regard to the LCDS meeting held in Annai village, it is true that positive statements were made by some leaders, but that several participants had asked searching questions. The land issue was raised by various people. It had been a lively debate, but the press only reported the interventions that broadly welcomed plans to protect forests and gave the wrong impression that everything is just perfect. Participants agreed that the representatives from Region 9 should write a letter to the editors of the newspapers concerned calling for more balanced reporting.

An open discussion on the LCDS followed in which participants again voiced concerns over several elements in the government's LCDS proposals, including plans for 'hydropower'. Although the draft LCDS paper only mentions the dam planned at Amaila Falls, several other potential dam sites have been identified by the government. These sites have been named in public talks and in the press in recent years, including the Upper Mazaruni dam that could have major implications for Akawaio and Arekuna communities in Region 7.

David James informed the meeting that one worrying element in the recent meetings have been repeated statements by Ministers that the land issues should not be tied to the LCDS and REDD issues. However, it is quite clear that land rights and carbon policies are closely intertwined. You cannot separate the land rights issues from the LCDS and REDD policies: land rights and low-carbon policies have to be dealt with together.

Mr James advised participants that the North Rupununi District Development Board (NRDDB) had chosen to take part in the LCDS steering committee in order to try and influence the process and ensure an accurate independent record of the meetings and issues raised by indigenous peoples. If the NRDDB is misrepresented or its role in policy-making and meetings is taken for granted without prior agreement, then the organisation will withdraw.

The APA Programme Administrator then took the opportunity to explain to the meeting that she had so far declined invitations to sit on the LCDS Steering Committee. She explained that questions on the Terms of Reference for the Committee had not been dealt with when raised and she had concerns about parts of the content of the draft document and therefore could not be the one to sell the strategy to the communities. She has documented this in a letter to the Secretary of the Cabinet. She commented that previous meetings had been hurried and undertaken without prior agendas. Her name had also appeared on a schedule for community visits without her agreeing to be on the committee.

REDD and free, prior and informed consent (FPIC)

Following the opening discussion, FPP was invited to present a further talk on REDD with a focus on indigenous peoples' right to free, prior and informed consent. It was highlighted how the right to FPIC for indigenous peoples is enshrined in several international human rights instruments and is also established in the UN Declaration on the Rights of Indigenous Peoples.

Emphasis was placed on the fact that FPIC would certainly apply to REDD policies and programmes affecting indigenous peoples' customary lands, including untitled traditional lands – as affirmed in the recent case of the Saramaka people v. Suriname.

It was noted that most international development and conservation agencies and several private sector bodies have accepted the fundamental FPIC standard for indigenous peoples. However, certain governments, particularly the USA, remain resistant to FPIC protections in the policies of international agencies like the World Bank.

The FPIC talk was appreciated by participants. Several people noted that the information provided some core ideas and concepts that explained how FPIC should work in practice. Participants also valued the information on good faith negotiation procedures and requested printed versions of the talk as handouts. During the discussion on FPIC the following points were raised by participants:

- There is a need to raise funds to train Amerindian leaders and communities on FPIC and build their capacity to undertake good faith negotiations.
- Education and training are vital for indigenous peoples to help them deal with climate change and other policies affecting their lands and territories.
- FPIC is not truly followed in many cases in Guyana and people are not even consulted about plans affecting their untitled traditional lands (e.g., mining concessions).
- The role of outside agencies and government is often to try and 'hook' Amerindian leaders like fish by offering them bait (such as dollars and funds). Communities are only shown the benefits of government policy and the downsides or risks are not explained.
- Often, NGOs and conservation agencies arrive with their plans already finalised and ask Toshias to sign off on their documents – this flawed approach has taken place in connection with Shell Beach Protected Area, for example.
- The Guyana Constitution establishes that all international instruments, including those that provide FPIC for indigenous peoples, are part of national law and yet the 2006 Amerindian Act violates this principle on several counts.

Telling our own stories

Following the lunch break participants formed into three working groups: (i) LCDS and REDD (ii) Protected Areas, and (iii) Mining and Logging. The LCDS/REDD group was set the task of identifying key issues and drawing up suggested recommendations, while the second and third groups were asked to address the following questions:

1. What are your experiences of land use decisions?
2. How have Protected Areas affected your lands?
3. How have mining or logging concessions affected your lands?

4. Were your land rights respected?
5. Was the right to free, prior and informed consent upheld?
6. How were land rights and territorial claims dealt with?

After one and a half hours the groups returned to share their findings and recommendations with the other participants.

Group 1: LCDS and REDD

Observations

- The draft LCDS document is vague on key issues and dense in parts: it should be revised and simplified so communities can understand the government's proposals.
- Large-scale agricultural developments could have negative effects on fragile ecosystems: adverse impacts could change the aquatic life for plants and animals.
- Extractive industries (mining and industrial logging) are inconsistent with the goals of LCDS and forest protection.

Recommendations

- Amerindian peoples should help set the REDD/LCDS rules, which must be acceptable to indigenous leaders and organisations and meet international laws and norms, including FPIC standards.
- REDD and LCDS must address and fulfil outstanding state commitments on indigenous peoples' rights.
- All Amerindian land – titled and untitled – should be protected and all land issues must be settled *before* any other plans go ahead.
- The Minister of Amerindian Affairs *must* continue to work to expand land under Amerindian ownership. Extra resources provided through REDD and other forest payments should be used to accelerate this land rights process. 'This land tenure work should be done first as a priority action under REDD/LCDS'.
- Outstanding territorial land claims must be resolved in good faith and in a timely manner, e.g., the *Upper Mazaruni Case*.
- There needs to be strengthening of the titling and extension process according to international standards (Revision of Amerindian Act).
- Only organic farming should be promoted in hinterland areas and agricultural development must be led by communities using organic processes.
- There must be a moratorium on issuing licenses and permits for mining and logging (and other extractive industries) in forest and other ecosystems. These extractive industries are inconsistent with LCDS goals.
- All sustainable traditional land use practices should be recognised and protected.

- Cultural heritage and sacred sites, as well as areas of special biodiversity, should be identified, demarcated, protected and managed by indigenous peoples
- Social, cultural, and environmental impact assessments are needed for all large-scale REDD/LCDS proposed schemes, including forest conservation and protection schemes.

Group 2: Protected Areas

Observations

- Our land rights have, in many cases, not been respected by the state in the establishment of protected areas: the state just comes in and claims the land.
- Free, prior and informed consent of communities is non-existent.
- In most protected area cases Amerindian communities have been pressured to sign off on conservation proposals.
- Our land rights and territorial claims are still not being dealt with by the state. Questions of territorial claims are ignored, and even our own Amerindians within the government sometimes ignore us.
- We consider that many of the areas identified for conservation are on our traditional lands. We say this is our land, and the government is supposed to respect that, but this does not happen e.g., Kaieteur is on Patamona land.
- Chenapau villagers could not go to Kaieteur for fishing as people had to pay to enter the park. Later, through APA's recommendations, we now have access to the park, but the old rules are still in place.
- Communities are not benefiting from protected areas or only receive very limited benefits e.g., in Kaieteur National Park presently there are only three Amerindians employed; there are plans to zone off certain areas in the near future in order to restrict local community access and use.
- Chenapau has requested an extension of their titled land, but there has been no response from government to date, yet the park area has been extended right up to Chenapau boundary.
- Many villages need extension, but they are locked in by other villages, and the international border also restricts potential expansion, so where are they to go?

Recommendations

- Land and territorial claims must be addressed by government and our rights must be respected.
- Amerindians require support to attain training to manage our traditional areas, including technical forms of land management.
- We need to develop our own conservation and development plans for our territories.

Group 3: Mining and logging

Observations

- Agencies like Guyana Geology and Mining Concession (GGMC) and the Guyana Forestry Commission (GFC) grant concessions on community and traditional lands without consulting villagers e.g., Akiwini, Jawalla, Arau, Marudi and Chenapau.
- The FPIC principle is totally ignored: mining concessions have been issued on traditional lands throughout Guyana in Regions 7 and 8 (most recently Isseneru, Micobi) and also recently in Region 9 (Kwitaro and Kuyuwini river basins).
- Good faith agreements on compensation for communities have not been honoured e.g., the Chinese Landing case.
- The Kopinang basin has large deposits of bauxite: this area is the richest in minerals and the people are the poorest in Guyana.
- GGMC claims that mining concessions (e.g., in Arau) were granted prior to land titling: they are not concerned with re-addressing these land issues.
- Local institutions and local indigenous systems of traditional governance are not respected by the miners and loggers.
- There is serious disregard for local livelihoods, i.e., disruption and damage to creeks, hunting grounds, spawning grounds, etc.
- The government does not recognise traditional lands and instead treats these areas as so-called 'State lands', so it grants countless concessions.
- There is a widespread feeling that the government is delaying the land title extension and expansion process because of the natural resources found on the traditional lands of Amerindian communities.
- Law suits are being used to claim territorial rights, but these land claims are stuck in the national court system, e.g. the Upper Mazaruni case.
- The government is unwilling, blocking, delaying or reluctant to deal with land and territorial issues.
- As there are no effective enforcement mechanisms, illegal miners and loggers are able to occupy Amerindian lands.
- A key part of the problem with weak enforcement of environmental and other regulations is government corruption.

Many people expressed frustration that government is stalling on giving Amerindian land titles, but is rapidly giving out resource concessions. There was consensus among participants that in all cases (REDD/LCDS, Protected Areas/Mining/Logging) the land and territorial issue must be resolved and that the Upper Mazaruni case must be concluded in good faith.

After the presentations several participants stressed that good community organisation and use of the media can help raise community concerns and get issues addressed. Recent examples include the Akiwini community protest against the Barama logging company and the court action by Arau in which the court affirmed that GGMC has a duty to protect communities from the negative impacts of mining. However, even if cases are won by communities there is a need for proper enforcement mechanisms and measures to eliminate government corruption. There was general agreement among meeting participants that Amerindian leaders need to take a serious stance with regard to land and other rights, and that leaders and communities must be united to ensure that their concerns get fairly addressed by the government. Many felt that the inclusion of party politics in village council elections has been most unhelpful, and has been the cause of internal divisions on critical issues. Several leaders pointed out that the most effective approach is to be well informed, stand firm and put positions clearly to government, so that a mutual respect is established.

Presentations on the draft LCDS

After the mid-afternoon break, several speakers were invited to the workshop to share information on the government's Low Carbon Development Strategy (LCDS) and planned consultation procedures.

Vanda Radzik, independent national monitor of the LCDS process for the Norwegian government and the International Institute for Environment and Development (IIED), gave a short, informal introduction to the LCDS. She explained that the LCDS is a concept paper drafted by the government of Guyana, which presents a vision and options as well as opportunities for Guyana's development. It was available for general review by the Guyanese public over the next three months. She noted that the LCDS review process needs to 'have a stakeholder stamp of approval' reflecting stakeholders' inputs before it can be presented internationally at the climate meeting in Copenhagen in December 2009, since 'if Guyanese people do not indicate that they support the plan in principle, it will not advance'. It was noted at one point that 'This [LCDS] strategy has to be developed by us and supported accordingly...' if it is to gain broad consensus and 'ownership' by the Guyanese people.

Other than general background issues, however, the only mention of the LCDS consultation process was a brief reference to a stakeholder consultation document that sets out nine principles for meaningful public consultation. (This was circulated to those present.)

Ms Radzik asked for the floor to be opened so that in her allotted time, rather than speaking, she could hear at first hand opinions from the cross-section of indigenous representatives present.

In terms of the rules of REDD and how indigenous rights might be affected, Ms Radzik replied that 'we are all learning about REDD' and that there is no internationally negotiated framework as yet for REDD. She said that global REDD rules would not come into force until after 2012, but that in the meantime a bilateral offer from Norway is on the table 'to pay Guyana to keep its forest standing' – using the concept of Guyana's Low Carbon Development Strategy to demonstrate a working model for 'Avoided Deforestation'.

Several participants expressed strong rejection of the repeated use of the term 'state forest' as used in the document and the use of the 'opt in' concept. They noted that the assertion that Amerindian forests have 'not been included' in the government's LCDS/REDD plans is incorrect. These participants stressed that 'we are rights holders not stakeholders in Guyana's forests' and that much of indigenous peoples' traditional lands in Guyana still await recognition and title. Government plans to include so-called 'state forests' in the LCDS/REDD scheme would effectively include untitled Amerindian lands without their consent or agreement. As one leader from Region 8 stated:

... what about our untitled lands and our territorial lands? It seems as if the government is saying that all the forests outside our existing titles which are untitled belong to them: this is not fair, and is unjust. The only way we can work on this is if we look at indigenous peoples' rightful land claims. ... We need to look at the 43,000 square miles identified by our leaders in the Amerindian Lands Commission report.

Others pointed out that indigenous peoples must be given time to take internal collective decisions and to develop their own feedback on the President's low carbon plans. Some participants expressed concern that the government seems to have drawn up its plans without consultation and now wants people to endorse them so they can be presented internationally. Several participants noted that Amerindian peoples have almost zero information on the international climate negotiations and how it may affect Amerindian lands and livelihoods.

Participants stressed that they would be unable to respond to the LCDS until adequate information was provided at the community level and that the time was too short for meaningful and informed discussions to take place with indigenous peoples:

... Will our traditional way of living be affected? There are a lot of questions, and we will only be able to respond once we have sufficient information. ... All this information is entirely new to us here. What is this carbon market and why is the government choosing that approach? What about price fluctuations and price variance? Is this carbon trading the way to go? Would Guyana really have any control over that market? We have no information. We cannot say yes or no to all these plans without more information.

Ms Radzik acknowledged that these are vital issues and encouraged people to voice their concerns and to develop an indigenous peoples' proposal for the LCDS to be put forward to the Guyanese as a whole. She commended the idea of an indigenous peoples' committee to be set up for ongoing consultations on the LCDS.

Following this discussion the Chairperson welcomed Mr Shyam Nokta (Chairman, National Climate Committee) and Mr Andrew Bishop (Natural Resource Specialist, Office of the President).

Like the previous presenter, Mr Nokta gave a short oral presentation on the background to climate change and its causes. He also explained the terms 'climate change mitigation' and 'adaptation' to climate change. As well as industrial emissions, he stressed that deforestation causes around one fifth of annual carbon dioxide gas emissions and told participants 'When you deforest you are emitting carbon into the air'.

Mr Bishop continued the presentation. He commented 'wouldn't it be nice if we could make money, but keep the forest standing?' He added that such a situation 'is possible' and explained that this is what the Guyana Low Carbon Development Strategy is about – getting funds to keep Guyana's forests intact.

Participants were informed that the President is seeking to keep Guyana's forests standing, but is also addressing the question: if Guyana leaves its forest standing, how does the country generate income? Guyana is seeking compensation for protecting its forests and for the 'ecological services' the forests provide to the world community.

Forests are proven to 'cleanse' the air and provide rainfall. So the draft LCDS is asking: why not charge for these services? The presenter explained that Guyana 'has to put a value on standing forest' and that this annual value might be in the range of US\$580 million to US\$40 billion per year. ...' It was emphasised that Guyana 'has a valuable asset' in its forests.

It was noted that the government is seeking funding from 'international partners', like the government of Norway, and through the sale of carbon credits in carbon markets '...to get actual cash funds for preserving the forest'. Participants were advised: 'If you can estimate how much carbon you have in the forest, you can sell this on the carbon market. This [market] is being developed ...there is a way you can access this market'.

Mr Bishop went on to explain that the draft LCDS has four pillars:

1. **Forest protection** – Guyana sees the forests as its most valuable asset (REDD, carbon trading, Payment for Environmental Services)
2. **Low carbon development** – hydropower, ecotourism, information technology, non-timber forest products
3. **Adaptation** – sea and river flood defences, building regulations, etc.
4. **Public participation** – and 'ownership' of the Strategy by all Guyanese.

On the latter pillar, participants were told that the government '... can never use the LCDS document unless you support it'.

Questions and comments

A very lively debate followed the presentations. Several participants expressed concerns that the LCDS concept is seeking to treat the effects of climate change (adaptation) more than tackling the causes (industrial pollution in developed countries). Questions about ownership over forests and benefit sharing were again raised, as voiced by one leader from Region 8:

I would like to ask if we are accepting the burden of industrialised countries. Are we to stand their burden right here? Is this truly sustainable development? The government appears to be emotional about this US\$580 million if we agree to keep the forest standing, but who will benefit from that? Who would control that finance? It seems the state is claiming most forest lands in the country and saying only 14% belongs to Amerindians, yet under our customary laws we own much more traditional land and we do not accept that these ancestral lands are 'state forests'. So I ask who really benefits?

Mr Nocta informed participants that the benefits would flow to the state on lands outside existing Amerindian titles, but benefits might flow direct to communities if forests are located on their titled lands, though 'the details are very sketchy at the moment'. In response to this reply, several participants again raised the question of untitled traditional lands and called for prior resolution of land claims as a prerequisite to the LCDS and any other forest and climate scheme. As one leader from Region 7 noted:

We are talking about Amerindian traditional lands, not just titled lands. What about these untitled lands? The LCDS talks of 'state land', but we say No! These lands are our traditional lands. The land issue must be dealt with. Only then can the indigenous peoples decide if they want to be 'in' or 'out'. The problem is that the draft LCDS does not explain how the land issue will be addressed. How will it solve this issue?

Many participants voiced concerns that the government's policy-making schedule on LCDS and REDD is moving too fast. Leaders emphasised that more time is required to allow leaders to return to their communities to chew over all the proposals and issues internally. One leader stressed: 'we do not agree yet with the contents of the LCDS. That must be clear. We have to study it and this will take time.' One former Toshao from Region 1 expressed serious doubts over some proposals contained within the draft LCDS and called for legal reforms as part of the low carbon development process:

What will happen about our traditional lands? The Amerindian Act sets out two phases for titling and it is not practicable and is not working. We pointed out all these problems when the Act was being drafted, but no one listened to us! Now we ask if our concerns about this LCDS will be recorded or will the government only listen to positive views? When people talk of low carbon development and 'hydropower' what do they mean? Do they mean large dams? We need to understand these proposals: what will be their impacts on us? We should ask, what are the negative impacts on us as well as the positive one? Only then can we say we have been truly informed. Can the Amerindian Act be strengthened and the rules for demarcation and titling be made fairer? Surely the 2006 Amerindian Act is not set in stone?

These views were backed up by a leader from the North Rupununi:

Yes, we need to look at what we may gain and what we might lose. The government is asking for good proposals for moving the nation forward and we are saying there are some weaknesses. The government says it will enforce environmental regulations, but where is the record for that on the ground? What about the miners who are clearing a lot of land and what about the government handing out all these new concessions? Will the government tackle that? What about the weaknesses in the Amerindian Act? We need that law to be strong to defend ourselves and ensure that we are respected in this whole operation ...

The concerns over mining were also voiced by participants from the South Rupununi:

We are worried that parts of government are fast-forwarding the granting of mining concessions while the government talks of protecting forests. These concessions are damaging river banks and creek heads that supply water to our communities. These rivers are the very heart and veins of the forest, so why can't

the government establish a moratorium on granting concessions in fragile areas, like watersheds?

The issue of how government plans might affect rotational farming and traditional practices was raised by several participants who sought assurances from government that these activities would not be targeted under the LCDS/REDD, e.g.

Our rotational farming must not be classified as 'deforestation' nor 'degradation' as our traditional farming is carbon neutral. Why is traditional farming being held up to the world as one of the most dangerous things? Let us target big industries and polluters and not target indigenous peoples: we are not in the same bracket as them. The government says it wants to protect the forest, yet in our area in Region 1 we see signs notifying new mining concession all along the river banks.

The government plans to keep the forest standing and indigenous peoples have been calling for that for a long time, so why let dredge owners have all these concessions? They are wealthy and they do not need the money. There is a need to stop these things and unless this is done I see all this as double standards. The LCDS must not pick on indigenous peoples: that would be unjust and would undermine our way of life. [Community member, Santa Rosa Village, Region 1]

In response to these interventions and questions Mr Bishop thanked participants for their comments and noted that the government will be recording all views on the draft LCDS, not only positive ones. He advised that even if Amerindians did not opt in, they would receive at least some benefits, possibly through some sort of trust fund.

On the issue of mining, Mr Bishop noted that this sector requires a 'thorough review' and that GGMC and other agencies require capacity building to improve enforcement of environmental regulations. Little response was provided by any presenter on the core issues of untitled traditional lands, though Mr Bishop did suggest that one recommendation might be that demarcation issues should be linked to the LCDS somehow.

It was also noted by the government official that:

- Following each LCDS consultation there will be a report, which will be a public document, available on the secretariat's website.
- There may be a need to revisit the Amerindian Act.
- The term 'slash and burn' agriculture needs to be reviewed and possibly changed
- It is agreed that rotational farming should not be considered deforestation.
- Forest protection needs to be open to monitoring and communities must be prepared to be monitored in this regard.
- Mining and forestry will not continue unregulated.
- The forests will be maintained, but the government is not going to lock it out as Guyana is a developing country and will continue to use it for development.

- The LCDS consultation team cannot visit each community so the current consultation is mainly 'information sharing'.
- The details of how benefits are to be distributed will have to be worked out.

In winding up the discussion, several leaders again stressed that rights and claims to traditional lands must be dealt with before the strategy moves forward and that consultation on the LCDS must not be rushed and must ensure informed and effective participation. Several leaders emphasised that Amerindian peoples have been protecting the forests for generations and so they must be primary beneficiaries in any forest protection schemes.

The Chairperson thanked the presenters for their participation and closed the second day of the workshop at 5 pm.

Day 3: REDD policies in Guyana and indigenous peoples' rights

Chairperson: Jean la Rose (morning), Earl Thomas (afternoon)

Rapporteurs: Miranda la Rose and Lorena Vaca

The day opened with a discussion and reflection on the information shared at the close of the second day with government officials. Several participants noted that while there had been feedback on the farming and traditional practices issues, none of the presenters had responded to the issue of untitled traditional lands. Weak and vague responses were also found disappointing on the question of large-scale agriculture on so-called 'intermediate' savannah lands. A number of participants again called for existing land claims and Amerindian Lands Commission findings to be brought into the LCDS process. In this context, all participants agreed that the issue of Amerindian lands versus state lands need to be addressed more clearly in ways that respect indigenous peoples' rights. Participants also noted the need for:

- explanations to government on the meaning of good faith and culturally appropriate consultations
- mechanisms for implementation of FPIC for all REDD/LCDS schemes
- a moratorium on mining in sensitive areas
- immediate and participatory revision of the Amerindian Act
- attention to land claims and extensions prior to REDD initiatives.

Guyana and World Bank-assisted Readiness Preparation Plan

FPP was then invited to make a presentation and critique of the June 1st Guyana R-Plan which had been submitted to the World Bank's Forest Carbon Partnership Facility (FCPF) as part of an application for grant aid to make Guyana 'ready' for REDD. The presentation provided a background to the FCPF and outlined the process by which Guyana's R-Plan had been developed. It was highlighted that strong criticism of the plan by FPP and others had resulted in it being redrafted three times in 2009 prior to final submission to the FCPF Participants Committee in Switzerland in mid-June 2009.

FPP noted that the final draft, dated 1 June 2009, did contain some language on rights, including a brief mention of the UN Declaration on the Rights of Indigenous Peoples in relation to capacity building activities (R-Plan, page 74). Despite these important changes, there is no mention of FPIC at all, and the basic R-Plan structure and analysis remains more or less unchanged. The Guyana government's document has been strongly criticised by the FCPF's Technical Advisory Panel (TAP), which included explicit information on the problems with the 2006 Amerindian Act and indigenous peoples' land rights, and with weak analysis on the drivers of deforestation in Guyana.

While the draft LCDS, discussed the previous day, does not directly target Amerindian farming, the June 2009 R-Plan compiled by the Guyana Forestry Commission is quite explicit that 'slash and burn' would be targeted under a national REDD scheme. Also contradictory is the R-Plan information that affirms that subsistence farming will not be affected (pages 6 and 28 of R-Plan), raising the question of which 'slash and burn' farming the Guyana Forestry Commission is to target and which agricultural activity was claimed to cause 21,903 ha. of 'deforestation' in Guyana in 2008 (R-Plan, page 7).

Astonishingly, despite the contradictions and multiple shortcomings in the Guyana R-Plan, it was given the green light by the FCPF Participants Committee at their meeting in Switzerland. The World Bank staff now say that due diligence will be undertaken to ensure that the R-Plan is in full conformity with the Bank's safeguard policies, including its Indigenous Peoples Policy (OP/BP 4.10). FPP highlighted that the Bank is in a difficult position in this situation as there is no doubt that the draft R-Plan and the process by which it was developed did not meet World Bank standards. Bank staff must now somehow bring Guyana into compliance after the fact and it is not at all clear how the Bank intends to do this: will it require the government to rewrite the R-Plan and make amendments to the Amerindian Act?

In the past the Bank had pulled back from large national conservation schemes precisely because Guyana's legal framework does not fully uphold indigenous peoples' land and tenure rights. The Bank is re-engaging in the full knowledge that the land rights issues in Guyana remain unresolved. A World Bank mission is due to visit Guyana soon (July 2009) to examine safeguard and due diligence issues.

Participants thanked FPP for the presentation and many noted that they had never heard of the FCPF nor a document called the R-Plan. Many participants expressed alarm that the R-Plan is seeking to 'reduce the practice of slash and burn' in Amerindian communities and reduce 'expansion' of farming (pages 6 and 15).

Several people observed that the draft LCDS document does not contain all the details on the government's plans for Guyana's forests, and consequently much is left unsaid. There was broad agreement that leaders should try to obtain copies of the R-Plan and inform their communities. Many people asked how they could get copies of the R-Plan without internet access.

Broad consensus was also reached on the need to seek meetings as soon as possible with the World Bank to raise safeguard and rights issues.

As part of this general discussion, several people also noted the need to ensure stronger and more independent indigenous peoples' inputs to national policy-making on REDD, LCDS and other issues. The National Toshias Council had been set up with the intention of creating important political space, but had been partly hijacked by the government. At the same time, the planned Indigenous Peoples Commission has not been established, leaving gaps at the national level.

Some leaders again suggested (as on the first day of the workshop) that there is a need to strengthen the NTC and ensure that it has resources and time to meet independently of government prior to official policy meetings.

REDD policies in Guyana

After the mid-morning break, David Singh of CI-Guyana was invited to make a presentation on 'application of REDD policies to Guyana'. Mr. Singh explained that his presentation is based on a detailed report compiled for the Inter-American Development Bank titled *An Institutional and Policy Enabling Environment for REDD in Guyana*. This report is hoped to be available publicly in July 2009. This study found that:

- The institutional framework in Guyana is complicated, and so implementation is complex.
- Spaces for civil society participation are limited and many government institutions do not collaborate effectively with citizens and non-governmental stakeholders.
- Other obstacles to effective implementation of REDD include limited institutional coordination, inadequate human resources, and lack of finance.
- There is a need for improved coordination; legislative reforms (forestry, mining, lands, infrastructure); and open and transparent systems for measurement, monitoring, and verification.
- There must also be better integration of land-use and management policies and programmes among all sectors and activities, including the extractive industries, agriculture and Amerindian lands.
- Guyana has already established a national REDD Secretariat that is located within the Guyana Forestry Commission.

CI–Guyana notes that existing forest monitoring systems and information are *not* yet reliable and need to be improved (current remote sensing images incorrectly identify clear cutting where deforestation is not taking place). CI considers that REDD offers an opportunity for indigenous peoples to raise key issues that are important to them and that the national REDD strategy could generate significant income for them and might support their own systems of forest management.

Mr Singh noted that the vision for the LCDS and REDD must be a shared vision of all Guyanese, otherwise there may be conflict and difficulties when it comes to implementation.

The presenter emphasised that if Amerindians choose to stay outside the LCDS/REDD framework, then their titled lands may come under increasing pressure from miners, industrial farmers and loggers who might invade indigenous land or press communities to enter into business arrangements – a process known as ‘leakage’ from the REDD-protected forest areas.

The chairperson thanked Mr Singh for his presentation and opened the floor for discussion. Debate followed and several people noted that CI’s warning about leakage could be misunderstood as a form of ‘pressure’ on Amerindian communities to ‘opt in’ to the LCDS/REDD framework. CI–Guyana explained that sharing this information on leakage risks is not intended at all to pressure or scare indigenous peoples, but rather to alert communities to the possible impacts of the REDD plans that might increase pressure on their lands if they remain outside the REDD forest protection framework. It was also explained that, in effect, without Amerindian support the government would have difficulty in managing a REDD scheme effectively.

A number of participants emphasised the need to ensure that legislative reforms include revision of the 2006 Amerindian Act to bring it in line with international norms on indigenous peoples’ land rights. It was also stressed that the land claim and extension issue must not be separated from REDD planning and must be dealt with early on as an integral part of the process.

Several people again raised questions about carbon trading and asked if uncertainties around carbon markets would deliver worthwhile and reliable benefits. Others voiced worries about the inaccuracies in the satellite images. Several leaders called for training of Amerindian people in the monitoring and interpretation of satellite images.

Many participants once more complained about the government's granting of mining concessions and its failure to deal in a timely way with Amerindian land title extension and territorial claims. Some people also communicated their concerns that a new money value on forests and 'carbon' might generate conflicts between Amerindian communities and possible land grabs by outsiders.

In closing his intervention, Mr Singh again emphasised that indigenous peoples could be involved in monitoring activities and recommended that indigenous organisations should become involved in the REDD framework, including Village Councils, the National Toshias Council and the Indigenous Peoples Commission.

REDD and Indigenous Peoples' Rights

Following the lunch break, participants were asked to form two working groups and address the following questions over one hour:

1. How should indigenous peoples in Guyana be properly informed about both the risks and potential opportunities of REDD policies prior to entering into any agreements?
2. What is needed to recognise your rights in REDD in Guyana?
3. How should FPIC and land rights be respected?
4. How should Toshias be answerable to the communities in any REDD agreements?
5. How would you make sure that benefits are equitably shared?

Each group then reported their recommendations back to plenary as follows:

Group 1:

- Government representatives present information in technical terms which are difficult for community members to fully understand. Language should be tailored for grassroots communities.
- Consultations on LCDS and REDD must ensure that both positive and negative aspects are presented to communities.
- Presentations by the government cannot be done in a matter of hours, but instead, must be conducted over an extended timeline.
- The principle of FPIC must be applied by government bodies and other third parties when proposing plans that could affect indigenous lands and interests, instead of 'persuasion' approaches focusing mostly on monetary considerations (bribes).

- In many communities Toshaos pursue individual interests. If leaders are abusing their power, they should be penalised and removed for wrongdoing.
- All collective decisions taken by the village should have the consent of at least two thirds of the entire community.
- New mechanisms must be developed to address this urgent shortcoming in village processes for decision-making and FPIC.
- Political groups and churches have aggravated internal community conflicts.
- The government should amend the Amerindian Act.

Next steps

- Disseminate and simplify information on LCDS/REDD through local workshops.
- Leaders and organisations must continue to press the government to address issues concerning indigenous communities.

Group 2

- Indigenous Peoples should be properly informed of both positive and negative effects of REDD.
- Persons disseminating this information must have detailed knowledge both of the government's perspectives and the indigenous peoples' way of life.
- They must be neutral and honestly record indigenous peoples' recommendations, priorities and concerns.
- Indigenous peoples should sit on a consultation commission.
- Local and national laws must be consistent with international laws recognising indigenous peoples' rights, including the Forests Act, the Amerindian Act, the Protected Areas Act, etc.
- These laws must be consistent with the Constitution of Guyana and must uphold the principle of FPIC.
- As recommended by the 1969 Amerindian Lands Commission, outstanding Amerindian land claims must be addressed before agreements are made.
- Toshaos must not sign any contract or agreement, without the proper consent of the communities they represent, nor without properly understanding every part of the content.
- Benefit sharing must have transparent criteria.

- There is a need to establish an indigenous peoples' working group on REDD, LCDS, R-Plan and other related issues.

Next Steps

- Immediate follow-up workshops are needed at the community level.
- Individuals at the workshop must recognise that they each have a role to play in ensuring that they put something positive on the table with regard to REDD.
- The Ministry of Amerindian Affairs needs to properly collaborate with indigenous peoples and address their concerns.

During the final part of the meeting all participants developed and approved a public statement of the workshop after reviewing and ratifying it using an overhead projector (see annex). In the closing discussions participants agreed that APA and others, including GOIP and TAAMOG, should seek funding and resources to conduct workshops and share information in the villages, and that a letter should be sent to national newspapers calling for balanced reporting on the LCDS process.

The Chairperson thanked all participants and presenters for taking part in the workshop. Participants thanked APA for organising the meeting and extended thanks for the information shared and the collective effort to reach agreement on the workshop Statement.

The Chairperson encouraged all participants to share the workshop outcomes in their home communities, and closed the meeting at 6 pm.

Annex

Workshop on indigenous peoples' rights, REDD and the draft Low Carbon Development Strategy (Guyana)

June 2009

Public statement of participants

After initial examination of the government's draft LCDS and the draft REDD plans, and following lengthy discussions over three days, we, the undersigned Amerindian leaders, elders and participants in this workshop, sponsored and facilitated by the Amerindian Peoples Association (APA), wish to publicly state the following:

Noting that our lands and territories are being affected by climate change impacts that threaten our lands, livelihoods and way of life, and considering that the greater part of climate change pollution stems from industrialised countries, we call on governments to take major steps to cut industrial emissions of carbon dioxide and other so-called greenhouse gases.

Recognising that the indigenous peoples of Guyana are the historical guardians of the forest, we in principle support proposals that aim to protect the standing forest where these initiatives fully respect and secure our rights and value our traditional knowledge and practices.

In order to ensure that indigenous peoples' concerns, priorities and proposals are fully incorporated in national forest and climate policies and low carbon initiatives, we call on the government and international agencies and donors to ensure that all public consultations meet international standards and good practice principles. In particular, our peoples through their own representative institutions must be given adequate time for collective decision-making and space to reach internal agreements on our responses to the government's plans. We must not be pressured to make early decisions without full understanding of the implications of these policies for our forests, lands and livelihoods.

All public consultations must provide our communities with relevant information in the right format and languages, including information on both the possible benefits and the possible adverse impacts of the government's current plans. Issues raised by our leaders and communities must be fairly documented in the consultations, and their concerns and proposals must influence the final documents.

In addition, to ensure that REDD and LCDS policies and initiatives in Guyana fully uphold our rights and deliver equitable benefits for indigenous communities, we hereby recommend that:

- All policies are developed and actions carried out with full recognition of and respect for indigenous peoples' rights in accordance with international norms, including the UN Declaration on the Rights of Indigenous Peoples and related human rights instruments.
- Outstanding land and territorial issues identified in the Amerindian Lands Commission report of 1969 must be dealt with up-front as an integral part of policy design and implementation.
- An independent body comprising indigenous leaders and elders must be established to address and deal with outstanding territorial land claims. Such an entity can be an advisory body to the National Toshias Council.

- A moratorium on mining and industrial logging must be put in place in all fragile environments, including watersheds, and river and creek heads in both forest and non-forest areas.
- Large-scale industrial farming and aquaculture on fragile, non-forest land in savannah, mountain and wetland areas must not be promoted.
- Proposed hydro-dam projects must fully respect indigenous peoples' rights in accordance with international law and must meet standards established by the World Commission on Dams (WCD).
- Priority should be given to support for community-based farming and other sustainable development activities in savannah and forest areas.
- Participatory revision of the Amerindian Act of 2006 be carried out as soon as possible to strengthen its provisions so that they are fully consistent with international standards, particularly its provisions dealing with land demarcation, titling and extensions; and the responsibilities of government agencies to uphold our rights, including our right to free, prior and informed consent.
- The Forest Act 2009 and the forthcoming Protected Areas Act must fully respect our rights, including our customary rights to land and resources.
- Our rotational farming must not be classified as 'deforestation' nor 'degradation' and this sustainable traditional land-use practice must be fully safeguarded in any national LCDS/REDD programme.
- The global community and the Government of Guyana must explicitly recognise indigenous peoples as rights holders not merely stakeholders in all climate change discussions, policies and programmes.
- The historical stewardship role of indigenous peoples in protecting Guyana's forest on their traditional lands must be recognised and rewarded, including recognition and support for community conserved territories.
- Capacity building at the community and national levels must be carried out.
- Support and legal recognition of existing and future community-based mapping initiatives must be provided, including training of indigenous cartographers and other related technicians.
- Support and respect of indigenous governance and representative institutions at the local, regional, and national levels must be given in order to foster informed inputs to national policy-making on climate change, conservation and development.
- Safeguards must be put in place to ensure that no LCDS or REDD scheme may proceed on our traditional lands (titled and untitled) without our free, prior and informed consent.
- An indigenous peoples working group on REDD and the LCDS be established and recognised by government to assist and support informed and culturally appropriate consultations with Amerindian communities. Indigenous peoples must be able to choose their own representatives to take part in this working group.
- For our part, we commit to working to inform our communities and organisations of key rights, risks and opportunities relating to the LCDS/REDD issue. We aim to do this through the formation of teams involving our own people who are knowledgeable of our land use and way of life and who speak our languages.
- We call on donors and support organisations to provide adequate financial resources to carry out the aforementioned actions, including support for our own information dissemination and capacity-building efforts in our communities.
- We, the participants of this workshop, call on our Toshias and other representatives not to sign or endorse agreements on LCDS/REDD or related issues without the express prior consent of their home communities.

[Signatories' names and signatures are held with the APA]