



AMERINDIAN PEOPLES ASSOCIATION

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Comments on the draft Readiness Preparation Proposal (R-PP) April 2010

The Amerindian Peoples Association (APA) welcomes the opportunity to provide comments and observations on the revised draft Readiness Preparation Proposal (R-PP) Guyana of April 2010.

The APA acknowledges the Guyana Forestry Commission's effort to engage with civil society actors currently working on climate change related issues. However, we are deeply concerned that the majority of the comments, observations and recommendations submitted by the APA in October, 2009 have been ignored in the current draft R-PP. We must reiterate that any REDD/REDD-plus initiative that is to be implemented in Guyana will have serious implications for indigenous peoples as we have a vital and historical link to the rainforest and its surrounding environment. This current draft fails to sufficiently uphold our internationally recognized rights as indigenous peoples to our traditional lands, territories, and resources, among others. Failure to adequately address these shortfalls within REDD/REDD-plus risks violating indigenous peoples rights under international law and even World Bank Safeguards. Furthermore, we are troubled that Ms. Jean La Rose is listed as part of the R-PP Development Team while the APA's contributions for the most part are not reflected anywhere in the document and her permission was not sought prior to the publication.

Positive elements:

- Mention of the United Nations Declaration on the Rights Indigenous Peoples (UNDRIP) remains: "The national REDD + Strategy and Methodology to be implemented will be done in keeping with the goals ofthe United Nations Declaration on the Rights of Indigenous Peoples (UN DRIP)" (Page 44)
 - NOTE: This language remains vague and lacks the key word "design" before 'implementation'
- There is now new language on international treaties and other instruments (Page 53)
- A few of APA recommendations have been taken up – such as need for more accessible materials for consultations (page 15)
- The REDD-plus community consultation plans must be validated in a public workshop
- General commitments to advance the titling process for untitled communities remain (page 24 and matrix at top of page 41- right hand column)
 - NOTE: there is still no acknowledgement of problems with current titling practices (see below)
- There is now a plan for a detailed study of the direct and indirect causes of forest loss in Guyana (page 52 and page 66)
 - NOTE: This should have been done as a priority task in Readiness phase, nonetheless it is welcomed. It must be noted that its usefulness will depend in large part **how** the study is done, how people can participate and how its findings are to be validated (if at all)

Gaps and serious remaining problems with R-PP

1. R-PP fails to acknowledge problems with current process for demarcation and titling of indigenous peoples lands
 - NOTE: Please see, *Concluding Observations of the Committee on the Elimination of Racial Discrimination: Guyana*. UN Doc. CERD/C/GUY/CO/14, 4 April 2006, at para. 16. Available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G06/411/77/PDF/G0641177.pdf?OpenElement>
2. The “lessons learned” section makes no mention at all about rights, risks and outstanding land and FPIC issues (page 17)
3. R-PP Disregards most key APA recommendations made in 2009 and 2010 – namely the need for:
 - an independent and open body/task force to clarify tenure and carbon rights and address indigenous land and territorial claims, including participation by self-selected Indigenous Peoples experts and holders of traditional knowledge. This advisory body on indigenous rights and issues could complement, evaluate and make recommendations on practical design and implementation of readiness and in REDD/REDD-plus design planning. It could also be tasked with promoting the effective implementation of the UNDRIP in Guyana/REDD-plus
 - need for a fair, credible and transparent land claims settlement procedure for Amerindian peoples, an undertaking which could also be executed by an independent indigenous peoples task force
 - commitments to revise the Amerindian Act of 2006 to bring it into line with the obligations of Guyana under international law and treaties it has ratified, including in relation to demarcation and titling procedures
 - need to recognise community land use and occupation maps and use them to assist the demarcation process
 - independent legal and expert advice for NTC on REDD and REDD-plus
 - more open community-level training and discussion of the risks and problems with carbon offset trading
 - more robust plans on FPIC that need to be developed according to indigenous peoples customary laws and decision-making structures
 - concrete and firm commitments to protect traditional practices, including rotational farming (the issue is now left ambiguous and R-PP still implies that farming and other activities may be adversely affected in the medium term)
 - open discussion and agreements on core REDD-plus rules, criteria and definitions, including definition of “Amerindian lands”, “deforestation” and “degradation” and “sustainable” land uses
 - need for adequate training of local translators in REDD/LCDS topics and terms
 - provision of more information on potential adverse impacts and risks, as well as advantages to ensure community FPIC and expressions or “support” or rejection are properly informed

- recognition of historical contribution of IPs to forest protection and positive incentives for support for community forests and territories (not clear anywhere in the document)
4. Rights to FPIC are still confined to titled lands only
 5. Weak draft TORs on SESA, that are effectively *outline* TORs that lack concrete details and guidance for evaluation team and communities. Most of the TORs constitute guidance for baselines studies NOT, impact analysis. The existing few questions for SESA impact assessment team (page97-98) are useful, but too general – they must be much more precise
 6. Confused treatment and weak analysis of social risks and safeguards
 - The R-PP lacks frank discussion of potential adverse impacts and disadvantages of REDD-plus policies on Indigenous Peoples
 - Possible harmful impacts are buried in very *truncated indirect comments* in the safeguards discussion – (pages 52-55) – that mentions “restriction of access to natural resources” TWICE - what does/would/could this refer to? Residential land use on untitled lands? Other indigenous resource use practices? Which ones, where and why? (page 53)
 - the document does not discuss the classification of REDD readiness as a high-risk Category A programme (as reported by Bank staff in FCPF discussions)
 - no where at all does the safeguard discussion acknowledge problems with land rights frameworks in Guyana nor with FPIC as currently formulated
 - in no place is the question of Broad Community Support discussed
 - as the discussion and SESA TORs stand, they would thus not clearly meet the new R-PP evaluation framework discussed in last FCPF meeting (due soon for adoption)
 7. No clear discussion of proposed future finance mechanisms for REDD and problems with carbon offset trading proposals of GoG
 8. Benefit-sharing plans remain undefined as do rules and criteria for community access to benefits and the question of Alternative Economic Opportunities (AEOs) [page 40]
 - **NOTE:** though participatory “economic analysis of alternative land uses and drivers of deforestation” is planned (page 41)
 9. Still lacks solid and clear support for community conserved territories and rewards for historical stewardship though the R-PP still notes that “Since Amerindian communities and other forest dependent dwellers are important stakeholders (sic) in this process, emphasis will be placed on ensuring benefits, land use rights and tenure, and the mitigation of potential environmental and social impacts” (page 12)
 - **NOTE:** *ownership* rights are not recognised and “mitigation” again applies potential negative impacts
 10. Weak connections with Norway-Guyana MoU process e.g. Guyana REDD-plus Governance Development Plan (RGDP) – it is just briefly mentioned (top of page 42)

- NOTE: The start of draft R-PP does give a bit more *general* explanation of links between LCDS and REDD+ (page 7)
11. National Tshaos Council representing the government in consultations with indigenous communities could pose a conflict of interest as the NTC should be promoting and ensuring the well being of indigenous communities where these goals could at times be in conflict with government policies and objectives
 12. Reports of Awareness sessions carried out in September 2008 thru January 2009 have not been disclosed, therefore making an inference that “most communities expressed support to REDD” (page 17) is premature and a cause for concern as consultations specific to REDD/REDD+ have not taken place in Guyana
 13. The RPP talks of “Community Sustainable Development Plans” raised by communities in 2008-09 (page 17) – what are these? Something run by GFC? Or is this new?

Conclusion

For the above mentioned issues we respectfully request the removal of Ms. Jean La Rose’s name from being part of the R-PP Development Team because the R-PP does not reflect the input provided by the organization she represents, and puts forth the appearance that the organization was involved in the actual drafting of a document which does not reflect APA’s opinions, concerns and recommendations. Furthermore, we strongly urge the immediate consideration and inclusion of our observations and recommendations in future versions of the R-PP. If the current document remains as is it violates a series of human rights, ignores Guyana’s obligations under international human rights law, and seriously puts in question the Governments publicly stated commitment to ensuring that indigenous peoples’ rights are upheld in all climate change mitigation and adaptation initiatives.

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