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Re: Vital REDD+ readiness activities still not carried out satisfactorily in Guyana

To the participants of the Carbon Fund meeting, Paris 27-30 April 2015

The Amerindian Peoples Association (APA) is writing to express its concerns regarding Guyana's move to progress towards a submission of an ER-PIN to the FCPF Carbon Fund when vital readiness activities are still to be carried out or finalised. The concerns are closely related to fundamental issues that have been brought to the attention of the FCPF since 2009 by the APA and a number of international NGOs. Until these issues have been fully addressed, the process in Guyana fails to comply with applicable safeguard policies of the Inter-American Development Bank as well as the Charter of the FCPF.

In this respect, we would like to draw to your attention the following:

- **Participation and consultation:** The National REDD Working Group (NRWG), envisaged to provide strategic guidance to the national REDD+ readiness process with specific emphasis on communication, consultation and outreach, has not been set up. According to the R-PP, the NRWG should have developed a Communication and Outreach Plan and Strategy, in collaboration with the National Tshaos Council (NTC) and Amerindian NGOs, *prior to* commencement of the stakeholder consultations. It is not clear the basis on which stakeholder engagements referred to in the Early Idea Presentation have been carried out, given this Plan and Strategy have not yet been developed. The APA has not been invited to be involved in the planning of these workshops or disseminating information to communities as envisaged in the R-PP. Core issues and recommendations to the process submitted by the APA at various levels and forums continue to be ignored or given minimal attention.

Despite the claims of consultations in the Early Idea Presentation, many indigenous communities report that they are struggling to understand the Low Carbon Development Strategy and its projects. When this issue is raised, the State gives only a vague answer that this is part of its REDD+ programme. Most indigenous communities remain unaware of activities such as the *Forest Carbon Sampling* or the *National Forest Monitoring System*.

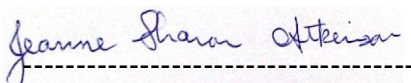
- **Benefit sharing:** The R-Package document from October 2014 claims that a Benefit Sharing Mechanism is still to be developed, and that it will be informed by the existing Opt-In Mechanism for Amerindian Villages. Consultations on the latter have been confined to the Multi-Stakeholder Steering Committee of the LCDS and the NTC, whereas at the community level there is widespread confusion about what the mechanism is. It is insufficient to rely on the NTC as the key representative of Amerindian communities, because its executive members are not supported with the technical and financial capacity to effectively inform and discuss vital issues with their respective communities – the free, prior and informed consent of Amerindian communities has not been obtained for the Opt-In Mechanism.
- **Land Tenure issues:** The need for an assessment of land- and resource-related tenure issues during the readiness phase was recognised in criterion 28.1 of the Methodological Framework (MF) of the Carbon Fund. However, the latest Opt-In Mechanism paper, and the Guyana REDD+ readiness process in general, does not even refer to, let alone address, long-standing issues regarding Amerindian land tenure security that have been raised repeatedly by Amerindian leaders, the APA and international NGOs over the years. The government’s project to fast-track the process of titling Amerindian lands is based on the Amerindian Act 2006, which is discriminatory as it does not recognise indigenous peoples’ right to their traditional land, territory and resources, and which is subject to widespread opposition among Amerindian communities. Until these land issues are addressed, there is no clear basis on which to establish a carbon accounting scheme and the project may lead to situation that endorses land grabbing by the state.
- **Free, Prior and Informed Consent:** The current Opt-In paper does not recognise the obligation to obtain communities’ FPIC in relation to parts of their traditional land that are not covered by a government title. Moreover, as noted above, FPIC has not been obtained from Amerindian communities on the suggested Opt-In Mechanism. Vital parts of both the process and content of Guyana readiness phase therefore fail to meet Guyana’s international human rights obligations, requirements set forth in relevant IDB safeguard policies and the FCPF Charter (principle 3).
- **The Strategic Environmental and Social Assessment (SESA):** The SESA, which according to the R-PP should be conducted during the readiness phase, has not yet been carried out. This is unfortunate as the Methodological Framework (criterion 31) states that the SESA should *inform* the process of developing the benefit sharing arrangements. If a SESA had been carried out it would have identified the increasing state allocations of Amerindian customary land to mining, logging, other commercial programmes and conservation, and the need to revisit relevant policies and legislation during the readiness phase.
- **Feedback and Grievance Mechanism:** Such a mechanism is not finalised and has not been developed in an inclusive manner. The R-Package of 2014 states that

the mechanism will build on existing arrangements for feedback and redress, including the Amerindian Act. However, the only mechanism for complaint and redress in this Act is to take matters to High Court, which has proven to be an inadequate route for Amerindian communities in Guyana, both because of the inadequacies of the Act, significant delays in proceedings, and the general trend of jurisprudence in the Court, which favours miners' rights (on both titled and untitled land) over Amerindian peoples' rights.

Given the above mentioned safeguard issues, we ask that the Carbon Fund does not accept Guyana as ready to develop an Emission Reductions Program until the Consultation Plan and Strategy; the SESA; and the Feedback and Grievance Mechanism have been developed in a manner that ensures that:

- Amerindian communities are properly informed about the REDD+ process and its parts and be included in discussion and decision-making at every level;
- Amerindian communities that will be affected by the Opt-In Mechanism have given their free, prior and informed consent to the Mechanism;
- the question of carbon rights is publicly discussed and resolved (with full and free stakeholder participation) at a national level;
- long-standing Amerindian land issues are resolved according to Guyana's international human rights obligations (including ACHR, ICERD, ICCPR, UNDRIP).

Signed



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President - APA