



*Figure 1 Ayangana Valley, Region 8, Guyana*

## **REDD+ in Guyana: Progress and challenges**

*October 2019*

### **Key messages for policy makers**

- Progress on land titling under the Norway funded Amerindian Land Titling project has stalled; continued support to community-led mapping, demarcation and land titling is critical to securing forests and respecting rights, commitments reflected in the Guyana-Norway deal and the Green State Development Strategy.
- Progress on designing a national REDD+ strategy, distinct from the low carbon development vision, has been slow, but 2019 has seen significant advances as the REDD+ readiness process will finally come to a close.
- The exploitation of significant oil reserves and the creation of a sovereign wealth fund, together create a ready funding source for long term, predictable finance for forest conservation. Transfers for forest conservation need to be channeled through a payment for environmental services system or other similar scheme to ensure benefits flow to the indigenous communities who have been protecting Guyana's forests for millennia.
- Policy reforms have been slow in coming, but are critical to the long-term ability of Guyana to conserve forests; in particular revision of the Amerindian Act and related legislation regulating the mining and forest sectors.

### **Introduction**

Guyana, among a number of countries in the Latin America region such as Panama, Peru, Mexico and Costa Rica, was an early global leader in Reducing Emissions from Deforestation and forest Degradation (REDD+) where progress has been markedly slower because of the opposition of well-organized

indigenous peoples' movements. In the ten years since the beginning of their REDD+ process, Guyana is just now formulating its national REDD+ strategy, assigning carbon rights and designing a long-term benefit sharing scheme to incentivize keeping its extensive forests standing.



Figure 2 Guyana

In that time, the state has adopted many of the demands of the indigenous movement in public policy, executed a new performance based REDD+ Agreement with Norway to finance a low carbon development strategy (LCDS) through a World Bank executed Guyana REDD+ Investment Fund (GRIF), and developed a well-regarded monitoring, reporting and verification (MRV) system. Guyana has also signed a Forest Law Enforcement Governance and Trade (FLEGT) Voluntary Partnership Agreement (VPA) with the European Union, also promising reforms in the forest sector. Progress on the ground addressing deforestation drivers such as mining and logging however has been slow, with multiple capacity constraints, including lack of finance, poor inter-sectoral coordination, limited law enforcement and implementation capacity, corruption and countervailing politically powerful interests protecting the still economically important mining and industrial forestry sectors. Lasting reforms to the policy framework have also been elusive, despite the formulation of a comprehensive new Green State Development Strategy, that also captures many of the demands of the indigenous movement. This has been especially true in 2019, as political turmoil has ensued since a parliamentary no-confidence vote in late 2018, leading to little or no legislative action of any kind this year.

With discovery of offshore oil reserves larger than Norway's, Guyana is now at a turning point, and there is finally a clear potential source of revenue for a long-term benefit sharing scheme to help conserve Guyana's large forest estate. While the low carbon development strategy has been updated by the current administration to an even more ambitious Green State Development Strategy, creating a good policy framework for forest conservation and reforms to other aspects of the legal system to create an enabling policy environment have been slow. Equally, the experience implementing the Guyana REDD+ Investment Fund projects under the Guyana Norway deal have shown the limits of top-down strategies for sustainable management of natural resources. The limited policy engagement on Guyana<sup>1</sup>, and insufficient follow up by the Norwegian government on the safeguard aspects of the GRIF projects has also contributed to uneven progress on the ground.<sup>2</sup> A paradigm shift is needed to support a different model of development, one that strengthens governance and action from below.

This policy brief lays out the opportunities on the table to advance respect for indigenous rights and sustainable development through implementation of Guyana's REDD+ strategy, in tandem with the FLEGT VPA, and the Extractive Industries Transparency Initiative (EITI) process.

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<sup>1</sup> See: Bade, 2012

<sup>2</sup> See: The Office of the Auditor General of Norway; Investigation of Norway's International Climate and Forest Initiative; 15 May 2018

## Indigenous peoples and forests in Guyana

Guyana is a high forest, low deforestation country, with some of 87% of the country still covered by tropical forests, and has some of the largest areas of intact forest in the world. Guyana's nine indigenous peoples' make up about 11% of the population (around 80,000 people) whose 96 titled communities comprise about 14% of the national forest area. There are at least an additional fifty untitled communities, and multiple communities with pending extension requests to their titled lands. Increasingly, groups of communities are seeking to reclaim not just their individual village lands but their entire territories, including the lands that they have traditionally used and occupied, and continue to do so for the purposes of hunting, fishing, gathering, and transmission of traditional knowledge to the next generation, in the form of larger land claims. Some land claims have been languishing in the national courts for more than twenty years, others have been taken up to the Inter-American Commission on Human Rights.

### Land Rights

Over the past four years the Amerindian Peoples Association has been leading Land Tenure Assessments, by region, which include participatory assessments in each of the villages, as well as gathering of maps, titles and other historical and documentary evidence of customary occupation and use.<sup>3</sup> Larger territories are also being mapped, with hunting, gathering, fishing areas, as well as old settlement and sacred sites. Many Amerindian lands in Guyana are mapped, but much remains to be done, and existing claims should be settled via participatory planning with Village and District Councils through a clear process of free, prior, informed consent (FPIC).



*Figure 3 Patamona man, Karisparu village, Region 8*

The active involvement and consent of local indigenous authorities is critical to getting the titling and demarcation process right and not causing harm or conflict through the process. The stalled Amerindian Land Titling (ALT) project is restarting, with a more modest goal for the next few years, but plans to establish a permanent titling unit within the Ministry of Indigenous People's Affairs (MOIPA). Continued investment in titling is needed to complete the job in the next few years, as is legal support to resolve the pending court cases.

Further progress in 2018-2019 on granting titles had been (illegally) blocked by the Guyana Lands and Survey Commission (GLSC), refusing to perform surveys or demarcation missions pending resolution of disputes over the rights of third parties (logging and mining concessions by and large). A revised

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<sup>3</sup> See the latest here: <https://apaguyana.com/portfolio/ita-r7-2019/>; or the previous here: <https://www.forestpeoples.org/en/participatory-resource-mapping/report/2018/our-land-our-life-participatory-assessment-land-tenure>

Amerindian Act will resolve jurisdictional overlaps between multiple ministries and clarify titling steps and timelines for government to process land titling cases.

## Creating an enabling policy framework

Policy reforms are widely recognized as essential element of REDD+ readiness, but an area in which many countries have struggled to advance key revisions to the legal framework or new legislation in the absence of predictable long term finance for REDD+. A series of reforms are needed to laws and policies driving deforestation, inside and outside of the forest sector, as well as assigning clear rights to land, forest and carbon, strengthening social and environmental safeguards and creating the legal framework for payments for environmental or another such scheme that can form the basis for equitable benefit sharing and lay an effective foundation for REDD+.<sup>4</sup>

The Amerindian Act of 2006, which forms the legal basis for indigenous governance and natural resource management, was an improvement over the previous legislation, but falls short of international standards and has legislative gaps relating to free, prior informed consent, the legal mandates of Village and District Councils, and contains some key violations of indigenous rights in regard to overly broad ministerial discretion for granting mining concessions on indigenous lands, among other aspects in need of improvement. The government of Guyana has committed to reforming the act, and over the past year, the Amerindian Peoples Association (APA), in conjunction with the National Toshao Council (NTC) and the Ministry of Indigenous Peoples Affairs (MoIPA), has conducted consultations nationwide to gather up concerns and inputs for the revision of the Act, and are now entering the phase of drafting new legislation. Passing comprehensive reforms to the Act is one of the highest priorities of the indigenous movement in Guyana, and need to be approved by Parliament on an urgent basis. Revisions to the Amerindian Act will necessarily trigger reforms to the Mining and Forest Acts, and other legislation to ensure policy coherence and an absence of conflicting regulations.



*Figure 4 Mining near Arau village, Region 7*

The FLEGT VPA, signed in 2018, is in the process of designing a work plan for implementation, but is only poorly coordinated with the REDD+ process. Synergy between the two processes can significantly enhance both- particularly around better planning of forest concessions (identifying no-go zones, strengthening monitoring and enforcement of forest law, among others); to help promote a priority policy reform agenda that Parliament can mobilize around and to increase policy coherence across sectors and agencies.

Guyana has been advancing through the Extractive Industries Transparency Initiative (EITI), where a series of contract and revenue transparency requirements are still to be met, particularly with respect to the forest and mining sectors, which will aid the REDD+ process, as well as good governance and public access to information generally. These matters relating to access to information also need to be incorporated in

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<sup>4</sup> Forest Peoples Programme/APA 2014

a prioritized policy reform agenda to be advanced by Parliament, and are particularly crucial to establishing good governance of the oil sector.

## Strengthening local governance from below

One of the most promising developments on the governance front in Guyana over the past few years has been the emergence, or re-emergence, of District Councils in the predominantly indigenous regions. District Councils are mandated in the Amerindian Act of 2006, but their formation was not encouraged or supported until recently. District Councils are made up of the elected Tshaos (chiefs) from area Village Councils and form the basis for larger scale territorial and landscape level management of issues related to land and natural resources, as well as advancing broader sustainable development goals.



Figure 5 Indigenous mappers doing field work

The emergence of the District Councils has been an organic process from below, with little support from the state, and so far, only one of the new councils has been officially sanctioned by government.<sup>5</sup> Given the sporadic presence in the hinterlands and lack of capacity on the part of Guyana's line ministries, the District Council's represent an important avenue for strengthening governance and beginning to manage natural resources and development on a larger scale, across Guyana's diverse eco-regions.

Additional steps need to be taken however to strengthen the decentralized environmental and social management capacity of both local and sub-national government- Village and District Councils. These include the gamut of land use and territorial planning, building capacity for community controlled impact environmental and social assessment, monitoring of land use change and the impact of extractive industries, and negotiating impact benefit agreements with companies and forest and mining concessions holders. Investment in District Councils, to support Village Councils, would strengthen regional territorial coordination and significantly increase the environmental management capacity of government. It would also be the primary way forward to build representative landscape level environmental management institutions in Guyana. Continued strengthening of the NTC can solidify national indigenous representation in the capital.



<sup>5</sup> That is the South Rupununi District Council

## **Promoting and expanding community based forest management**

The Guyana Forest Commission had made impressive advances in the use of remote sensing data to monitor forest cover changes in Guyana, a commendable achievement. There have also been successes training communities in forest carbon monitoring, including both by Conservation International and the World Wildlife Fund working in the Rupununi, as a strategy to get communities ready to “opt-in” to the low carbon development strategy. In Iwokrama communities are successfully managing a medium size community forestry enterprise, and there are a number of smaller forest enterprises across the country.

Indigenous villages and territories have also launched their own forest monitoring efforts, starting in region nine and now spreading to regions seven, eight and two, which have been more focused on monitoring and documenting threats to community lands and forests, be they from mining, agriculture, cattle ranching or other activities with potentially negative impacts. These efforts have effectively demonstrated that indigenous communities in Guyana are willing and able to actively monitor their lands and forests-- what is lacking is official support (financial and technical), and integration of community based forest monitoring into the national forest monitoring system. Forest monitoring has been shown to strengthen local governance, and territorial management, and can also support trans-border management of land and natural resources in the wider Guianas and Amazon, linking to similar indigenous-led efforts around the region.

## **Benefit sharing**

There is an ongoing process financed by the Forest Carbon Partnership Facility (FCPF) to design a benefit sharing mechanism (BSM) for REDD+, with a draft proposal due at the end of 2019. The consultancy to design the BSM unfortunately only has limited resources for consultations, so it is likely that broad stakeholder discussions on these important issues will need to continue into 2020. There is however the newly establishing Natural Resource Fund, which puts the oil money on the table as a credible source of finance for a national payment for environmental services (PES) program, among the other REDD+ strategic options. Continued finance for an ALT project that produces land titling results would be a tangible benefit, as would financial, technical, logistical and communications support for community forest monitoring, and better coordination with law enforcement. A national PES scheme would provide a substantial payment to communities with extensive forests, even at a moderate \$5/ton, but requires legislation and set up, so could be years away. Payments to miners to stop mining, and support alternative livelihoods could also benefit indigenous communities involved in or directly affected by mining, and those living around mining areas affected by downstream water contamination. There could be risks of perverse incentives though, especially if the REDD+ strategy ends up including the mapping of mineral deposits to better target mining, rather than eliminating unsustainable small and medium gold and diamond mining operations altogether. The same is true for participation of logging concessionaires as beneficiaries of PES payments for undertaking activities such as reduced impact logging (RIL) and sustainable forest management (SFM) certified operations, which are already established by law and good practice, so there is little additionality to these activities and the carbon benefit of such strategies is dubious anyway. Supporting indigenous peoples to conserve their forests through land titling, forest monitoring and sustainable livelihoods, represent some of the best strategic options for keeping forest standing through the REDD+ strategy.

## Key recommendations coming out of the REDD+ strategy consultations in 2019

- Indigenous peoples' conservation of Guyana's forests should be recognized in the national REDD+ strategy and indigenous peoples should be recognized as a key rights-holders in the development and implementation of the REDD+ strategy.
- A rights-based approach, including free prior informed consent, should be a cornerstone of the strategy and safeguards framework; integration of adequate safeguards requires more than producing a strategic social and environmental assessment (SESA) report and an environmental and social management framework (ESMF) and implementing a feedback and grievance redress mechanisms (FGRM—these are the FCPF requirements). Building forest governance from below is more effective, lower cost, and more sustainable-- investment in Village and District Councils is needed to strengthen forest governance and environmental management.
- Land tenure security, and the resolution of existing Amerindian land claims, should be a central principle and an enabling condition of the REDD+ strategy, which can be achieved through existing mechanisms—the ALT project can continue to support titling through MOIPA and should receive funding until the job is complete.
- Legal reform, including the revision of the Amerindian Act of 2006 to clarify transparent and effective FPIC and titling procedures, reduce ministerial discretion, allow territorial claims to proceed and secure indigenous control of their natural resources, including rights to natural resources above and below ground.
- The REDD+, FLEGT and EITI agendas should be brought together in a package of priority policy reforms to be advanced by legislation in Parliament.
- Expand and support the successful community based forest monitoring network nation-wide, forest monitoring can be good jobs for men and women, a source of new technical skills, and a way to strengthen local environmental management.
- Equitable benefit sharing in Guyana must be based on resolution of the existing land claims and granting indigenous peoples their land, including their forests, for a REDD+ benefit sharing to be fair. A national PES scheme to transfer funds to communities could be an effective way to support forest conservation.
- Financial resources from oil development need to be channeled into forest conservation in long term, predictable ways, including support for indigenous communities to conserve and sustainably manage their forest resources.
- The Government of Norway, as Guyana's largest development partner, needs to take a more hands-on approach to their policy dialogue and provide the needed incentives for Guyana to complete the promised indigenous land titling efforts agreed to in the Low Carbon Development Strategy.

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