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October 12, 2015

To Carbon Fund 13th Meeting, October 13 – 16, 2015, Brussels, Belgium

Re: Guyana's ER-PIN, September 2015

The Amerindian Peoples Association (APA) would like to again register a few comments in relation to Guyana's ER-PIN proposal, which is scheduled to be presented to the Carbon Fund of the FCPF on the 14th October this year. We refer to comments submitted by APA on the 21st April 2015 in relation to Guyana's move towards submission of an ER-PIN. The concerns highlighted then were 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 and pointed out that vital readiness activities in Guyana were still not carried out or finalized.

APA notes and acknowledges that some of the areas touched upon in our previous comments are mentioned and are addressed to a lesser or greater extent in the current ER-PIN document. We would, however, like to communicate that we consider that the rights and safeguards issues raised by APA require more focused attention and commitments to action in order to ensure full respect for indigenous peoples' livelihoods, lands and territories. By means of this submission we wish to reiterate, follow up on and expand upon certain points we made in April:

- **Land tenure issues:**

It is positive that the ER-PIN acknowledges the existence of challenges regarding the resolution of land tenure issues (page 23). It is also good that the document records the view that increased land tenure security for Amerindian villages is likely to reduce the levels of deforestation (page 70). We would like to again support this rights-based approach to climate change mitigation and emphasise that there is a growing body of evidence showing that secure rights to land and resources for indigenous peoples is closely related to good forest governance, healthy ecosystems and lower CO₂

emissions from deforestation and forest degradation¹. It is consequently important that lack of secure land tenure for indigenous peoples in Guyana is recognised explicitly in the ER-PIN as an underlying driver of deforestation.

The ER-PIN mentions that Terms of Reference (TOR) have been developed to analyse land tenure and carbon ownership in Guyana. APA is not aware of the existence of these TOR, but would like to encourage that the finalisation of the TORs is subject to review and consultation with rights holders and representative organisations. In relation to application of the FPIC standard for any projects dealing with forest carbon stocks, we recommend that the analysis is closely informed by the *Legal Companion to the UN-REDD Programme Guidelines on FPIC*² in order to ensure that future land tenure and FPIC frameworks are fully aligned with relevant international human rights norms, including Guyana's obligations on the rights of indigenous peoples.

While the above-mentioned recognition of, and developments to address, the existing land tenure issues are welcome, they are not yet sufficient. APA would like to recall that indigenous groups and representatives in Guyana have argued for years that before any **forest and climate schemes** projects can take place, their FPIC must be obtained, their land issues be resolved and their territorial rights guaranteed.³

- **Shifting cultivation:** While the ER-PIN does pick up that stakeholders have recommended that shifting agriculture must not be treated as a driver of deforestation, the status of this type of agriculture is unclear both in the ER-

¹ Persha L, Agrawal A, and Chhatre A (2011) "Social and Ecological Synergy: Local Rulemaking, Forest Livelihoods, and Biodiversity Conservation" *Science 25 March 2011: Vol. 331 no. 6024 pp. 1606-1608*; Nepstad D, Schwartzman S, Bamberger B, Santilli M, Ray D, et al. (2006) "Inhibition of Amazon deforestation and fire by parks and indigenous lands" *Conserv Biol 20*: 6573; C. Stevens, R. Winterbottom, J. Springer and K. Reytar, 2014, *Securing Rights, Combating Climate Change: How Strengthening Community Forest Rights Mitigates Climate Change*, World Resources Institute, http://www.wri.org/sites/default/files/WRI14_Report_4c_Strengthening_Rights_final.pdf ; A. Kothari, C. Corrigan, H. Jonas, A. Neumann and H. Shrumm, eds.. 2012, *Recognising and Supporting Territories and Areas Conserved By Indigenous Peoples And Local Communities: Global Overview and National Case Studies*, Secretariat of the Convention on Biological Diversity, ICCA Consortium, Kalpavriksh, and Natural Justice, Montreal, Canada. Technical Series no. 64, 160 pp. <https://www.cbd.int/doc/publications/cbd-ts-64-en.pdf>

² Legal Companion: http://www.unredd.net/index.php?view=document&alias=8792-legal-companion-to-the-un-redd-programme-guidelines-on-fpic-8792&category_slug=legal-companion-to-fpic-guidelines-2655&layout=default&option=com_docman&Itemid=134

³ South Central and South Rupununi Districts Toshao Councils (2012): *Thinking together for those coming behind us*, <http://www.forestpeoples.org/topics/customary-sustainable-use/publication/2012/wapichan-people-guyana-make-community-based-agreement> ; Statement by indigenous leaders from workshop on 'Indigenous Peoples' Rights, Extractive Industries and National Development Policies in Guyana' (2010) http://www.forestpeoples.org/sites/fpp/files/news/2010/08/guyana_apr_press_release_mar10.pdf

PIN and other related REDD+ documents (like Guyana's R-PP). There are indications in the draft Opt-In mechanism (2014) that it will not be classified as a driver of deforestation, however it is not clear whether it instead will count and be audited as "forest degradation" in any future emissions reduction scheme(s). The R-PP (2012) states that shifting cultivation is not considered a relevant emission source until a proper MRV system is in place and the current ER-PIN seems to be pointing towards development of systems to monitor forest degradation from shifting cultivation. This R-PP position is itself ambiguous and the treatment of temporary forest clearance for rotational farming has never been agreed with indigenous peoples in Guyana. The table on *forest change by period and driver* (ER-PIN page 15) does include a measure of degradation from shifting agriculture, again without explication and (to our knowledge) without prior discussions and agreements with indigenous peoples and their organisations.

It is vital that the status of shifting cultivation in the context of REDD+ is clarified in close collaboration with indigenous communities. Any decision about its status must be in line with Guyana's commitments and obligations to protect traditional knowledge and customary use of biological resources⁴ and with international standards for FPIC.

- **Benefit sharing:** The ER-PIN indicates that the plans and framework for Amerindian villages to opt in to REDD+ are being further developed. The commitment to carry out the opt-in process according to the principle of FPIC is positive and must entail that the position taken by indigenous communities on whether to opt in or not is based on a national, comprehensive approach to sharing information and knowledge about the potential benefits, costs and risks opting in may imply for their food security, livelihoods and cultures. A thorough assessment of the implications for Amerindian food security and cultural integrity should therefore be a first step to inform their decision and ensure that the principles of FPIC is fully enforced and implemented.
- **Consultation and outreach:** APA has not been involved in the development of any Communications and Outreach Plan and Strategy, so as far as the organisation is aware such a plan and strategy does not yet exist.

Notwithstanding some positive developments in relation to the topics covered above, we stress that Guyana is not yet ready to progress towards the development of an Emissions Reductions Program. Appropriate sequencing of actions is necessary to ensure that improvements in forest governance form the building blocks for potential legal and policy reform necessary to ensure lasting reductions in

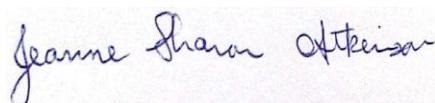
⁴ E.g. according to the Convention on Biological Diversity (article 10c: "Each Contracting Party shall, as far as possible and as appropriate protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements") and Guyana's Constitution (article 149G: "Indigenous peoples shall have the right to the protection, preservation and promulgation of their languages, cultural heritage and way of life")

deforestation and forest degradation. Before progressing towards Carbon Fund membership we recommend that Guyana build on the positive steps in the readiness activities noted above and ensure that the Consultation Plan and Strategy; the SESA; the Benefit Sharing mechanism; and the Feedback and Grievance Mechanism have been developed in a manner that ensures that:

- Indigenous communities are properly informed about the REDD+ process and its parts and are included in discussion and decision-making at every level (including decisions on the status of shifting cultivation);
- Indigenous 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 indigenous land issues are resolved according to Guyana's international human rights obligations (including ACHR, ICERD, ICCPR, UNDRIP).
- There must be a representative of Civil society and Indigenous Peoples to make interventions at the meetings of future carbon meetings.

We look forward to a response and realistic commitments to comply with applicable standards on the Indigenous Peoples right. We also look forward to working together with the Government of Guyana based on mutual respect.

Yours respectfully

A handwritten signature in blue ink that reads "Jeanne Sharon Atkinson". The signature is fluid and cursive, with "Jeanne" and "Sharon" on the first line and "Atkinson" on the second line.

Jeanne Sharon Atkinson
President
Amerindian Peoples Association (APA)