

**Report for the
Amerindian Peoples Association
for the IUCN Amazon 2.0 project**

**Forest Governance, REDD+,
FLEGT and Social and
Environmental Safeguards in
Guyana**

*Project Activity 1.4
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Executive Summary

Indigenous peoples play a key role in strengthening forest governance in Guyana, controlling some 15-30% of the national forest estate, one of the largest extents of intact Amazonian forests and savannahs in the Americas, and a key biome within the Guiana Shield on which water circulation and rainfall for much of the region seem to depend. They have played a strong role in shaping the national REDD+ strategy and Low Carbon Development Strategy, winning key investments in indigenous land titling and sustainable livelihoods at the same time that the government has negotiated a Voluntary Partnership Agreement with the European Union. Mining continues to be the main driver of deforestation, and continues to expand given international prices; the recent oil boom is also fomenting massive investment offshore and increased interest in regional integration of the transport and energy infrastructure, driving more deforestation, degradation and conflict with indigenous peoples on both the coast and in the hinterland of Guyana.

For a decade, the Government of Guyana has conducted waves of sensitization, consultation and participation with indigenous peoples as part of its Low Carbon Development Strategy, and extensive analytical work as part of the REDD+ readiness process under the World Bank's Forest Carbon Partnership Facility. While the consultation and participation processes have been underfunded and only moderately effective, the analysis of the legal policy and regulatory environment conducted under REDD+ and FLEGT have together identified a series of policy reforms needed to bring Guyana into better alignment with international best practice and its international obligations, including the respect the rights of indigenous peoples in line with UNDRIP and creating an enabling environment for forest conservation and sustainable development.

These include resolution of existing land tenure disputes, clarifying land, forest and carbon rights, alignment of the forest policy with other sectoral policies including indigenous rights, energy, mining, transportation and agriculture, and better cross sectoral collaboration in enforcing rights, environment and forest law, among others. It also includes establishing equitable benefit sharing with indigenous peoples around the use of natural resources. In Guyana, like all the countries of the region, this requires political will to move away from a model of destructive extractive industries which drain natural capital for the enrichment of a few, and towards more low carbon, sustainable model of development with identity.

Guyana's MRV system has had impressive progress under the Guyana Forest Commission, and has almost decade of implementing the road map agreed to with the Kingdom of Norway, and now with access to high resolution satellite data can pin point deforestation in real time, and is beginning to accurately measure forest degradation within and around forest and mining concessions and roads.

Progress under the Guyana Redd+ Investment Fund, administered by the World Bank and implemented through the IDB, UNDP, UNEP, Conservation International and FAO, has been slower, with the main projects targeting indigenous populations, the Amerindian Land Titling

(ALT) project and the Amerindian Development Fund (ADF) having stalled out, and not been able to meet their objectives. This stems from both gaps in the legal framework and the capacity gaps for the Guyanese state to implement and enforce land and forest law on the ground, as well as the top down models for implementation of projects, which proceeded with few safeguards such as effective consultation and participation, grievance and redress mechanisms in place.

The REDD+ and FLEGT processes have advanced with little coordination, but still offer potentially great synergy to harmonize the domestic legal framework and strengthen social and environmental safeguards, and with the advent of oil revenues to the Natural Resource Fund there is a readily available source of domestic finance to implement relevant actions. Remaining steps include instituting legal reforms and negotiating equitable benefit sharing with Guyana's indigenous people in recognition of their historic and ongoing efforts to conserve and protect the forest.

Main Report

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.

Policy reforms are widely recognized as essential element transparent and effective forest governance, and hence a central focus 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+.¹

1. Assessment of Guyana's legal and regulatory framework relating to forest governance

The Cooperative Republic of Guyana has an advanced legal framework, which, if fully implemented, includes almost all of the elements needed to safeguard forests and strengthen forest governance at the local level. The Government of Guyana recognizes the rights of indigenous peoples, and has been slowly providing legal titles to their lands and forests, but many obstacles remain to fully implementing the current legal framework, and that framework itself still has several gaps and deficiencies which need to be corrected through policy reforms. The Government of Guyana has recognized the need for ongoing policy reforms to enhance forest governance and undertaken significant analytical work over the past few years to identify policy gaps and areas for improvement. This report provides a summary of some of the main efforts undertaken in the context of efforts to reduce deforestation and forest degradation and enhance legality in the forest sector.

Policy gaps identified in the REDD+ legal assessment

Two separate analyses were undertaken in 2018 and 2019 to analyze the legal framework in the context of REDD+, both by a consortium of international NGO's including Winrock International, Conservation International and the Climate Law and Policy group. One area where gaps have been consistently identified is that of land use planning. Despite a national Land Use Policy being approved by Cabinet in 2013, and subsequent regional land use plans developed, only one region has an approved land use plan, region 6, and all of the land use plans developed has fairly limited scopes, reducing their usefulness for comprehensive planning purposes. While the Ministry of Communities requires regions to develop Plans of Action for Regional Development, in practice these have not been undertaken. The lack of adequate zoning and land use planning results in

¹ Forest Peoples Programme/APA 2014

“sub-optimal decision making regarding land use and unnecessary deforestation and forest degradation.”²

Another area of significant gaps relates to lack of consistency between sectoral laws, policies and regulations. This has been a long-standing problem stemming in part from Guyana’s inheritance of colonial laws and policies, which have been modernized in a piecemeal fashion over many years. This problem of sectoral coherence is noted in both the Low Carbon Development Strategy and the Green State Development Strategy, but has yet to be resolved through more comprehensive reforms to key legislation, including laws and regulations governing the forestry, mining, energy and transport sectors, laws related to indigenous peoples and local governance structures, and those laws and regulations governing public access to information and public participation. In relation to the mining and agriculture sectors, the governance assessment notes:

“There is no mining policy...The national agriculture strategy, 2013-2020 focuses on agricultural resilience to climate change but not on mitigation and the conservation of forests. This contributes to deforestation because climate objectives, including mitigation through forest conservation, do not guide decision-making.”³

The assessment goes on to document that the Guyana Lands and Survey Act, the Environmental Protection Act and the Amerindian Act all have elements which contribute to the legal framework for forest governance, adding additional complexity not only in their differing legislative language and lack of policy coherence, but also in increasing inter-institutional competition, “turfism” and “siloes approaches that encourage poor land management.”⁴ These issues carry through to the Guyana Forest Commission, the Guyana Gold Mining Commission, which while both report to the MNRE, have competing mandates, with the GGMC charged to increase production and revenue from mining, the main driver of deforestation and forest degradation in Guyana, while the GFC manages forests to reduce deforestation. This is a key issue for effective forest governance in Guyana, particularly as it relates to indigenous peoples, as the law allows both logging and mining concessions on the same lands, the GFC and the GGMC have incompatible spatial databases, and the law allows both to impinge on titled and untitled indigenous lands, in the case of large concession, without the free prior informed consent of the affected communities.

The problems caused by mining in particular, remain the greatest threat to transparent and effective forest governance in Guyana. The governance assessment notes a series of issues which contribute to deforestation and social conflict around land and natural resource use, these include:

- Allocation of mining concessions on lands claimed by indigenous communities for title extensions
- Lack of economic incentives for sustainable use of natural resources in the Mining Act

² Winrock, Analysis of Indirect Drivers of Deforestation Based on a Governance Assessment, Aug 2018, p. 7

³ Ibid, p.9

⁴ Ibid, p.9

- Lack of an effective system for storing tenure, rights and land use data for granting mining concession
- Lack of support for small and medium scale miners
- Subsidies for mining that reduce costs and increase deforestation
- Mineral prices that do not internalize environmental costs
- Lack of transparency and public access to information in the granting of mining concessions

Another clear example of the lack of policy coherence between the mining and forest sectors are the forest clearance requirements in the Mining Act, ostensibly for the purposes of health and safety, leading to unnecessary deforestation.⁵

In the more comprehensive assessment of the Guyanese legal framework conducted by the same consortium of international NGO's, which was designed to assess the legal framework in the context of the UNFCCC Cancun safeguards, a series of additional gaps relevant to forest governance are noted. These include:

- Limitations within the Amerindian Act wherein indigenous lands are not recognized as fundamental pre-existing rights, but rather statutory rights granted by the state; lack of clarity on what the basis for titling and demarcation is; the limited requirement that minister's only "consider" longstanding relationships of communities to their lands, and the establishment of wide latitudes for ministerial discretion.⁶
- Lack of a clear definition of equitable benefit sharing or fair distribution of the benefits from use of forests and other natural resources.⁷ This is particularly relevant in terms of the legal basis for establishing payments for environmental services or any eventual carbon trading scheme, which has also been the aim of the Government of Guyana through successive governments, via the "opt-in mechanism" and is included in the national REDD+ strategy.
- Limitations, lack of clarity and definitions in the rights to access information, including the appropriate forms, to whom to address information requests, timelines for the provision of information, and government discretion to reject request without clear cause. In addition, there is a lack of routine disclosure of information on royalties and rents from forest and mining concessions.⁸

⁵ Ibid, p.16

⁶ Climate Law Policy, Analyses of Legal, institutional & governance capacity to address safeguards in relation to UNFCCC REDD+ safeguards, p.25

⁷ Ibid, p.28

⁸ Climate Law Policy, Analyses of Legal, institutional & governance capacity to address safeguards in relation to UNFCCC REDD+ safeguards, November 2018, pp.20-22

- Lack of clearly defined terms of what constitutes corruption (beyond direct bribery), independent accountability bodies and clear mechanisms for accountability, including for Ministers.⁹
- Active promotion and enhancement of gender equity is missing from both general legislation and sectoral policies, which while they include some provisions, fall short of operational mandates.¹⁰
- Lack of clear provisions for access to justice, alternative dispute resolution and grievance redress mechanisms in the forest sector. While the Amerindian Act does include provisions allowing communities to appeal to the High Court when there is dissatisfaction with a decision by the Minister in relation to a land claim, that right in practice has not been functional.¹¹ While a feedback and grievance mechanism was to be designed as part of the REDD+ readiness process, the results of that work have not been made public. There is a grievance procedure established as part of the Amerindian Land Titling project, which is also supposed to function in relation to conflicts that arise in FLEGT VPA implementation.¹²

Policy gaps identified in the REDD+ Strategy

The final version available of the national REDD+ strategy identifies six strategic options under the overall objective of strengthening the policy legal and institutional framework. These are:

1. Increase communication and cross-agency reporting, including instituting quarterly or annual meetings of key leaders and joint reporting.
2. Require cross-agency approval of the largest mining and forestry concessions.
3. Require cross-agency approval of road-building within concessions.
4. Increase budgets and efforts to ensure compliance with existing regulations in all sectors (mining, forestry, and agriculture), including employing more updated technologies, and collaboration with Amerindian and local communities
5. Update legal framework to create more consistency and coherence among sectors and to give support to and correct incentives for activities aimed at sustainable development.
6. Expedite procedures to achieving land tenure and security, especially for Amerindian communities.¹³

Analysis of gaps in the Amerindian Act

⁹ Ibid, p.23

¹⁰ Ibid, p. 29

¹¹ Ibid, pp. 31-32

¹² Citation?

¹³ National REDD+ Strategy, v.3, p.24

In 2018 and 2019 the Amerindian Peoples Association, in conjunction with the National Toshias Council and (then) Ministry of Indigenous Peoples Affairs undertook consultations across the country to begin the process of revising the Amerindian Act. The key recommendations made were shared by numerous communities—and identify the areas of the Act that require revisions. The consultation process, carried out by the MoIPA with support from the APA/NTC, included 65 communities¹⁴ in 5 regions.

The high-level recommendation coming out of the consultations were that:

- 1) the revised Act must incorporate the protection of the United Nations Declaration on the Rights of Indigenous Peoples;
- 2) the Act must protect indigenous peoples' rights to their lands, territories, and resources; and
- 3) the Act must protect indigenous peoples' rights to free, prior, and informed consent.

Additional, more fine-grained recommendations touching on issues of governance and natural resource management include:

- The Act must include a provision that states that the Government recognizes indigenous peoples' inherent rights to their traditional lands and territories. It should further state that the Government shall implement a land titling and demarcation process efficiently and in a timely manner in order to give effect to that recognition of indigenous rights.
- The Act must provide for indigenous peoples to get title to their lands as Villages and/or to their territory as Districts where requested.
- Remove the distinction between titled Villages and untitled Communities in the Act.
- Include protections for bodies of water (creeks and rivers) that are traditionally used by communities, as well as sub-soil resources.
- Allow both Village and District Councils to hold title to land.
- The Act must be amended to allow for each Village to decide upon its internal governance system and specifically, the composition of its Village Councils.
- The Act should include a provision to allow District Councils to have rule-making powers.

¹⁴ The clusters submitting recommendations were: Region 1 (MSRDC, 12 villages: Manawarin, Waramuri, Santa Rosa, Kwebana, Assakata, Warapoka, Santa Cruz, Waikrebe, Chinese Landing, Kokerite, Kariako, Father's Beach); Region 2 (Anna Regina cluster, 4 villages: Bethany, Capoey, Mashabo, Tapakuma; Pomeroneo cluster, 3 villages: Kabakaburi, St. Monica, Akawini); Region 7 (UMDC, 7 villages: Chinoweing, Jawalla, Kako, Kamarang/Warawatta, Kamaru/Omanaik, Phillipai, Waramadong; Middle Mazaruni cluster, 3 villages: Isseneru, Tassarene, Kangaruma); Region 8 (NPDC, 15 villages: Kato, Chenapou, Kaibarupai, Kamana, Kanapang, Karisparu, Chiung Mouth, Kopinang, Kurukabaru, Maikwak, Paramakatoi, Bamboo Creek, Tuseneng, Mountain Foot, Waipa; Mahdia cluster: Campbelltown, Maicobie, Princeville); Region 9 (SRDC, 21 villages: Parikwarinau, Potarinau, Katuur, Baitoon, Shiriri, Shulinab, Meriwau, Quiko, Sand Creek, Rupunau, Katoonarib, Sawariwau, Marurunau, Awarewanau, Shea, Achawib, Bashizon, Karaudarnau, Aishalton, Churikidnau, Parabara)

- In general, throughout the Act, the ability of the Minister to interfere in Village internal governance must be removed. Instead, the Act must respect indigenous peoples' right to autonomy over their own local affairs.
- Sections 13(1)(l) and 18 must be amended so that the power to tax Village residents remains within the Village, and once a community has approved a tax, the Act cannot then require the Minister's approval.
- Section 45 must be amended to simply allow Villages to allocate lands in accordance with their own traditions and customs, instead of dictating how Villages should allocate land to residents.
- The Act must require Government agencies, extractive businesses, and other persons to engage in good faith and meaningful consultations with affected indigenous peoples and to obtain their FPIC prior to granting any concessions, leases, or other land rights in any of a Village's traditional lands, whether titled or not.
- Sections 50-51 must be deleted so that FPIC is required for any mining – whether small-, medium-, or large-scale – that would affect a community's traditional lands, whether titled or untitled.
- Section 51(3) must be revised such that this fund is a natural resources fund, not just a mining royalties fund, so that it includes royalties derived from the use of other resources on indigenous lands, including forestry resources, and potentially oil and gas resources.
- Section 51(3) must be amended to regulate the extractive royalties fund so that it is administered by an independent board of indigenous representatives appointed by indigenous organizations, including the NTC and District Councils. This section should additionally provide that the Minister issue regulations to implement this provision and set up the fund within 6 months from the date of the Act's entry into force.
- Section 53 must be revised so that the GGMC must obtain a Village's FPIC prior to granting or renewing any mining concessions on a Village's traditional lands, whether titled or untitled.
- Section 56 of the Act must be revised such that the GFC is required to hold good faith and meaningful consultations with affected indigenous peoples and obtain their FPIC before granting a forestry concession in a Village's traditional lands, whether titled or untitled.
- Section 58 must be amended such that no protected areas can be established over any of a Village's traditional lands without their FPIC. Any protected area that the Village agrees to be established shall be established only as an indigenous-owned and indigenous-controlled protected area.
- Section 59 must be amended to allow Villages to request a larger piece of title that matches their traditional lands without first going through a demarcation process.
- The Act must include a section that requires the effective consultation and participation of Villages and Districts in the demarcation process.
- The Act should incorporate the ALT Project Guidelines into the law.

While there were many additional relevant recommendations made by communities, these are perhaps the most salient ones for the issues of forest governance. Taken together, they would significantly enhance forest governance by regularizing indigenous land and forest tenure and

giving local institutions, Village and District Councils, the legal authority and tools needed to sustainably manage their forests.

2. Summary of Guyana efforts to meet REDD+ and FLEGT safeguards on Indigenous Peoples

The Government of Guyana has pursued low carbon development strategies and REDD+ readiness for over a decade now, with significant progress on some fronts, and much more limited advances on others. On the positive side, the GFC has made very significant progress in developing a national monitoring reporting and verification (MRV) system based on a strong methodology and the use of remote sensing. This has created both in house capacity to effectively monitor deforestation and degradation, a body of publically assessable data on drivers and land use change in Guyana. This has gone a long way to create capacity to meet UNFCCC safeguards in relation to environmental integrity, leakage or displacement, and reversals. On the social and environmental safeguards side, progress has been less evident. Guyana carried out its REDD+ readiness process with support from the World Bank's Forest Carbon Partnership Facility, and so has followed their guidance on the development of social and environmental safeguards.

REDD+ readiness process

The primary way that the government has sought to develop safeguards for REDD+ has been through a strategic environmental and social assessment (SESA). A SESA is similar to an environmental impact assessment for a project- except that it looks at the bigger picture- looking at the possible impacts of several projects or actions together, and looking across both regions and sectors (like mining, forestry, agriculture). The purpose of the SESA is to understand what the social and environmental risks of the proposed REDD+ strategy could be and to develop ideas about how to avoid, prevent or reduce those risks. It does that by conducting studies and carrying out consultations with potentially affected people. The conclusions that come out of the SESA process are supposed to impact the REDD+ strategy- changing the strategic options, including other actions, identifying laws and policies that need reforms. The risks identified in the SESA process, and the actions to avoid, prevent or reduce those risks, are passed into the ESMF (explained below), which is one of the main safeguard documents for REDD+. Issues that rise to prominence in SESA's for REDD+ commonly include land tenure, gender, ownership of and access to natural resources, carbon rights and benefit sharing,

The main safeguard document produced through the REDD+ readiness process is called an environmental and social management framework (ESMF). It is called a framework because it is produced as a way to manage social and environmental risks for the REDD+ strategy in general, not for specific activities in specific places. The ESMF should identify what the risks of implementing the REDD+ strategy are-- and for who (these come from the SESA) and then set out a series of activities to avoid, prevent or reduce those potential negative impacts. ESMF's generally include guidelines and procedures for screening of activities to determine the risks, and monitoring of those risks and what is happening in terms of delivering benefits and avoiding negative impacts. Implementation of the ESMF requires a budget and an action plan for each area where activities take place. There are lots of opportunities for communities and local government to be involved and take responsibility for monitoring and preventing negative social

and environmental impacts, but it may require financial and technical assistance from outside to begin with.

In Guyana, the SESA process was undertaken through a series of interrelated consultancies, and through a series of consultations with relevant stakeholders, the majority of which occurred in 2019. While good quality analytical work was produced, there was insufficient budget for adequate consultations, limiting the usefulness of the discussions to finalize a national REDD+ strategy. Sufficient elements were adapted from the consultations however, such that the REDD+ strategy responds to the main indigenous proposals to resolve land and forest tenure, ensure FPIC and equitable benefit sharing. While many of the social and environmental issues relevant to the REDD+ strategy were identified and discussed, there was insufficient time to reach agreements among stakeholders, and the safeguards section of the REDD+ strategy itself was left undeveloped and a draft of the ESMF was never made public nor effectively consulted on.

The consultation process around benefit sharing likewise developed high quality analytical inputs, but didn't have enough dedicated time nor financial resources to reach conclusive agreements around the type of benefits communities consider most important, nor the best ways to share benefits nor who the primary beneficiaries would be.

While the FLEGT VPA was negotiated by a multi-stakeholder National Technical Working Group, the main coordinating body for implementation of the VPA work plan is the National Implementation Working Group (NIWG) which includes representation from key stakeholders, including indigenous peoples. The NIWG had its inaugural meeting in March of 2019, and is charged with monitoring the implementation of the VPA.¹⁵ The monitoring plan for the VPA work plan is relatively comprehensive and while it does not purport to monitor social and environmental safeguards at this point, it includes a number of elements which could contribute towards enhancing forest governance. These include:

- Conducting a study of VPA impacts on livelihoods and possible strategies to avoid or mitigate negative impacts;
- Define and adopt social safeguards for vulnerable groups during the VPA implementation
- Integrate baseline and adopted mitigation/safeguard indicators in the VPA M&E system;
- Monitor the impact of the VPA on livelihoods and implementation of mitigation measures;
- Out-reach and awareness programs (on issues such as GTLAS, independent auditor, complaints mechanisms, etc.) targeting local authorities, local & indigenous communities, Civil Society Organizations and private sector actors designed and conducted;
- Supporting priority actions for Amerindian Communities to participate in the Guyana VPA Process;
- Improving FLEGT readiness of 69 Community Forestry Organizations through increased awareness of related regulation;

¹⁵ VPA Joint Implementation Framework, p. 19

- Promoting sustainable forestry in Indigenous Peoples' communities through capacity building and direct participation in the EU FLEGT VPA Process;
- Review grievance mechanisms under REDD+, ALTP and other programs in Guyana that concern land tenure, land use and land or natural resources conflicts
- Reinforce the Grievance and Redress Mechanism (GRM) under the Amerindian Land Titling Project (and its successor) as an instrument to channel land tenure, land use and other conflicts to GoG¹⁶

While implementation of these activities did not show much progress in 2020 due to the coronavirus pandemic, they hold out promise to make valuable contributions to forest governance and transparency and accountability mechanisms in the forest sector.

ALT Guidelines

The Amerindian Land Titling (ALT) project has been one of the flagship investments in forest governance to come out of the Norway-Guyana REDD+ deal and the Guyana REDD+ Investment Fund that was established to channel the performance based finance to specific projects on the ground. The project, implemented through the United Nations Development Program, encountered some serious obstacles and failed to make as much progress as hoped, in part because of continued tendencies to implement top down interventions with little or ineffective communication, coordination and collaboration with indigenous communities and their representative governance structures, the Village Councils. This led to conflicts over land title demarcations which were taking place in a haphazard fashion and not respecting established village boundaries. As a remedy, the UNDP initiated a process to establish more participatory coordination mechanisms, including the setting up of a grievance mechanism, something desperately needed in the forest sector where the judiciary has proven ineffective in resolving land disputes involving indigenous peoples. The Guidelines, approved in 2017, covers criteria and procedures for the land titling process, stakeholder engagement, consultation and free prior informed consent, and a grievance redress mechanism for the project.

3. Summary of the main advances Guyana has made in REDD + strategy implementation and the FLEGT process

The REDD+ strategy in Guyana, completed in a third draft in early 2020, has not been officially finalized, approved nor published for the general public. The political stalemate in Guyana in 2019 and then transition to a new administration in 2020 complicated the finalization process, which has now been further delayed by the Covid 19 pandemic. While a few small-scale pilot projects were undertaken in 2019 (discussed below), there is therefore no wholesale implementation of the REDD+ strategy underway. The new administration will likely approve and implement the REDD+ strategy drafted under the previous administration once aligning it with the revamped

¹⁶ JIF Monitoring Plan, Annex 2, May 31, 2019, pp. 6-9

Low Carbon Development Strategy. The recent pilots can contribute to refining strategies for implementation of the strategic options outlined in the strategy.

The VPA work plan has been formulated, but effective engagement of indigenous people's representative organizations and other stakeholders stalled out during the constitutional crisis, the change of administrations and now the coronavirus pandemic, meaning little progress has been made in implementing activities on the ground.

4. Assessment of indigenous community experiences related to the REDD+ Strategy, FLEGT and other initiatives

The consultation and participation processes around both REDD+ and FLEGT has included important moments of stakeholder engagement and participation, with some Amerindian organizations playing key roles in helping to facilitate the inclusion of community views, concerns and proposals. On the REDD+ process, the Ministry of Natural Resources and Energy included APA, GOIP and NADF as well as the NTC in consultations and within the project steering committees or so-called "core group". These included workshops to discuss the REDD+ strategy, the social and environmental considerations and proposed benefit sharing mechanisms. The MNRE project implementation unit also provided some capacity building support to Amerindian organizations, which generally consisted of equipment purchases, but also provided financial resources for the indigenous NGOs to organize their own capacity building workshop for resources persons from the Village and District Councils to understand the analysis of the drivers of deforestation and strategic options contained in the REDD+ strategy, as well as the social and environmental safeguards that are required under the various donor and international treaty frameworks.

5. Proposed indicator framework for a national safeguard system

There are multiple sources for the development of forest governance indicator frameworks, including the World Bank's Program on Forests (PROFOR), and the UN's Food and Agriculture Organization (FAO) and CIFOR, among many others. As forest governance is a complex, multifaceted and dynamic system, these indicator frameworks can be extensive, the PROFOR framework for example has thirteen basic components and over seventy indicators.

The indicator framework for a national safeguard information system should be based on the national legal framework, but needs to align, at a minimum, with the Cancun safeguards agreed to under the UNFCCC if the Government of Guyana wishes to access results based finance through the Green Climate Fund, Adaptation Fund or participate in other Paris Agreement Article 6 international transfers of mitigation outcomes. In other countries, they have conducted systematic assessments of the relevant information available across all agencies of government, and identified a comprehensive set of indicators around environmental and social safeguards to be monitored and reported on through the national Safeguard Information System. In that way, comprehensive reports can be submitted to the UNFCCC demonstrating the efforts to address the safeguards agreed to under the convention.

Box 1: Cancun Safeguards

The Cancun REDD+ safeguards were established by UNFCCC Decision 1/CP.16 Appendix 1 paragraph 2, following general agreement within the UNFCCC Conference of the Parties (COP) that actions on REDD+ should not only 'do no harm' but should where possible 'do good' in supporting broader social and environmental development goals. When undertaking the activities referred to in paragraph 70 of this decision (the five REDD+ activities), the following safeguards should be promoted and supported:

- (a) That actions complement or are consistent with the objectives of national forest programmes and relevant international conventions and agreements;
- (b) Transparent and effective national forest governance structures, taking into account national legislation and sovereignty;
- (c) Respect for the knowledge and rights of indigenous peoples and members of local communities, by taking into account relevant international obligations, national circumstances and laws, and noting that the United Nations General Assembly has adopted the United Nations Declaration on the Rights of Indigenous Peoples;
- (d) The full and effective participation of relevant stakeholders, in particular indigenous peoples and local communities, in the actions referred to in paragraphs 70 and 72 of this decision;
- (e) That actions are consistent with the conservation of natural forests and biological diversity, ensuring that the actions referred to in paragraph 70 of this decision are not used for the conversion of natural forests, but are instead used to incentivize the protection and conservation of natural forests and their ecosystem services, and to enhance other social and environmental benefits;
- (f) Actions to address the risks of reversals;
- (g) Actions to reduce displacement of emissions.

The indicator framework for indigenous communities in Guyana should also align with community priorities and aspirations, as well as their capacity to gather data through community based forest monitoring and contribute to the National Forest Monitoring System. Indigenous community monitoring programs in Guyana have already demonstrated the capacity for monitoring forest cover and land use change, as well as calculating the carbon density of the forests in their territories. Indigenous community monitors are actively monitoring legal and illegal mining, logging, ranching in almost all regions across the country. While indigenous community monitoring efforts are underfunded, they are attached to durable community institutions such as Village and District Councils.

Criteria used for choosing indicators and sources

Taking into consideration the issues mentioned above: consistency with the national legal framework, alignment with the Cancun safeguards, and aspirations and capacities of indigenous peoples, some initial suggestions can be made for indicators to monitor which can directly

contribute to the Safeguard Information System as well as enforcing rights and stopping deforestation on the ground. Indicator frameworks should be based on data that can be gathered in the short term by indigenous community monitors, verified by the GFC and other government agencies and included in international reporting on how safeguards are promoted and supported.

Proposed forest governance indicator framework

The four proposed indicators below respond to indigenous territorial aspirations to 1) have their customary lands legally recognized; 2) to the primary drivers of deforestation, forest degradation and social conflict in and around indigenous forests (namely third party economic interests in natural resources or construction projects on indigenous lands); and 3) to the aim of forest conservation to which the Government of Guyana has committed and indigenous peoples depend; and lastly to the challenge of delivering equitable benefit sharing to indigenous communities in light of their important role in conserving forests, avoiding deforestation and forest degradation and substantial contribution to the fulfillment of Guyana's Nationally Determined Contribution.

Box 2: proposed Indicator Framework

1. Advance of the legal recognition of indigenous customary lands
 - Area of Indigenous customary lands claimed (#hectares)
 - Area of Indigenous customary lands titled (#hectares)
 - Area of Indigenous customary lands untitled (#hectares)
2. Indigenous customary lands negatively impacted by deforestation and unsustainable development
 - Area of indigenous customary lands impacted by third party legal activities
 - Area of indigenous customary lands impacted by third party illegal activities
 - New mining and forestry permits granted on indigenous customary lands
3. Indigenous forest conserved
 - Area of indigenous forest protected
 - Stock of above and below ground carbon
 - Rate of land use change in indigenous forest (deforestation and forest degradation)
4. Type and amount of benefits received by indigenous communities for forest conservation
 - Public finance received (number, description)
 - International finance received (number, description)
 - Non-monetary benefits received (number, description)

6. Proposed implementation protocol for applying the indicator framework

These four indicators are designed to be able to be generated by indigenous organization and community mappers and monitors in conjunction with Village and District Councils, with minimal input from government agencies, although to the extent that data is shared, verified and agreed to by government agencies, that will strengthen reliability and promote inclusion in official reports by the GoG. Included here are some elements for an initial protocol, which can be fleshed out in practice as data is gathered and processed, refining a final protocol that can be included in plans for design and implementation of the SIS.

Indicator number 1: *Advance of the legal recognition of indigenous customary lands*

Means of verification:

- Area of Indigenous customary lands claimed (#hectares)
- Area of Indigenous customary lands titled (#hectares)

- Area of Indigenous customary lands untitled (#hectares)

Implementation guidance:

Indigenous governance institutions, with support from indigenous organizations, should calculate the total lands being claimed by indigenous peoples, whether as new titles, title extensions or larger territorial claims via either collective titles or indigenous and community conserved areas or indigenous controlled protected areas. The hectare area of lands titled or otherwise receiving legal recognition up to the present should be calculated and will serve as a baseline. The hectare area of lands titled or otherwise receiving legal recognition in any given year should be calculated annually, showing progress toward the goal of legal recognition of indigenous lands, a fundamental human right and key aspect of safeguards implementation for REDD+ and FLEGT. The area of Indigenous customary lands untitled should be updated yearly, and the area titled plus the area untitled should add up and be equal to the area claimed. These data should be verified with the Ministry of Amerindian Peoples Affairs and the Guyana Lands and Survey Commission and any other relevant statutory bodies, to the extent possible.

Indicator number 2: *Indigenous customary lands negatively impacted by deforestation and unsustainable development*

Means of verification:

- Area of indigenous customary lands impacted by third party legal activities (#hectares, list, description)
- Area of indigenous customary lands impacted by third party illegal activities (#hectares, list, description)
- New mining and forestry permits granted on indigenous customary lands(#hectares, list, description)

Implementation guidance:

The area of indigenous customary lands impacted by third party legal and illegal activities should be gathered by indigenous community monitors, validated with Village and District Councils and, to the extent possible, verified by the relevant Guyanese line agencies including the Ministry of Amerindian Peoples Affairs, the Environmental Protection Agency and any other relevant statutory bodies. These impacts should be conceived of broadly, and include both environmental (deforestation, forest degradation, water contamination, air and noise pollution) and social impacts (livelihood impacts on fishing, hunting and gathering, restriction of access to natural resources, alcoholism, prostitution, gambling and teen pregnancy). The area impacted should be presented in total hectares, sorted by legal and illegal activities, and include a description of impacts by location as an annex. The area impacted can also be expressed as a percentage of the total claimed customary lands, as documented in indicator number one above. The third means of verification, new mining and forestry permits granted on indigenous customary lands, can serve as an early warning indicator for potentially upcoming negative impacts, as permits granted can proceed impacts on the ground by some years, and can help target community monitoring efforts in conjunction with Village and District Councils. Information should be gathered at least annually and accompanied by reports documenting impacts and the responses of government line agencies.

Indicator number 3: Indigenous forest conserved

- Area of indigenous forest protected (#hectares)
- Stock of above and below ground carbon (tons of carbon dioxide equivalent)
- Rate of land use change in indigenous forest (deforestation and forest degradation)

Implementation guidance:

This indicator seeks to directly measure the contribution of indigenous peoples to forest conservation in Guyana in lines with Guyana’s domestic and international policy commitments. The area of indigenous forest protected should be calculate based on the area of forest cover on total customary lands (as identified in indicator one) for which there is an operational monitoring and/or management regime in place. Some discretion can be used to determine what “operational” means, and whether additional quality elements of the indicator need to be incorporated. In the absence of community generated data on carbon stocks, this means of verification should be measured using GFC data, or as a default tier one datasets with regional estimates. Total carbon stocks can be estimated by multiplying the number of hectares times the estimated emission factor for the type of forest present on the indigenous territory. The deforestation and degradation rates of indigenous lands can be assessed using GFC data, or other platforms such as Global Forest Watch, and measured as change (loss or gain) from a baseline established in 2020 or previous year. Ideally these measurements can be coordinated with the GFC and verified by them as well.

Indicator Number 4: Type and amount of benefits received by indigenous communities for forest conservation

- Public finance received (number, description)
- International finance received (number, description)
- Non-monetary benefits received (number, description)

Implementation guidance:

This indicator seeks to measure the monetary and non-monetary benefits received by indigenous communities in the context of the implementation of the REDD+ and FLEGT programs specifically, and the Low Carbon Development Strategy and its Opt-In Mechanism more generally. Identification of benefits should include domestic and international financial flows, any payments for environmental services or carbon emission reductions, project finance, training and capacity building activities and any other monetary and non-monetary benefits received by communities, including land titles. The amounts of finance should be accompanied by a description of the benefits, the location of the benefits, and the number of beneficiaries as well as documentary evidence that such benefits were actually received.

Bibliography

Airey, Sam and Krause, Torsten; *Georgetown ain't got a tree. We got the trees—Amerindian Power & Participation in Guyana's Low Carbon Development Strategy*; Forests 2017, 8, 51

Amerindian Peoples Association, Forest Peoples Programme; *Indigenous peoples' rights, REDD and the draft Low Carbon Development Strategy*; June 2009

Amerindian Peoples Association, Forest Peoples Programme; *Indigenous Peoples' Rights, Forests and Climate Policies in Guyana*, May 2014

Amerindian Peoples Association; *Letter to the FCPF Carbon Fund*; April 2015

Bade, Heidi; *Aid in a rush: A case study of the Norway-Guyana REDD+ partnership*; Masters Thesis at University of Oslo, University of Oslo Blindern, Norway November 2012

Climate, Law Policy/Conservation International/Winrock; *Analyses of Legal, institutional & governance capacity to address safeguards in relation to UNFCCC REDD+ safeguards*; November 2018

Conservation International, Winrock and Climate, Law, Policy, *Draft 3 of the National REDD+ Strategy*, August 2019

European Commission FLEGT, Voluntary Partnership Agreement Joint Implementation Framework Monitoring Plan, Draft May 31, 2019

FCG International Ltd., *Report on the Prioritization and Selection Criteria for Pilot Projects and Stakeholder Consultation for the Design and Implement REDD+ Pilot Activities for Guyana*, May 2019

FERN and Forest Peoples Programme, *Cutting Corners*, November 2008

FERN and Forest Peoples Programme, *Smoke and Mirrors*, February 2011

Forest Peoples Programme; *Guyana: indigenous peoples, forests and climate initiatives*, November 2009

Frankfurt School - UNEP Collaborating Centre for Climate & Sustainable Energy Finance (2012), *Case Study: The Guyana REDD-plus Investment Fund (GRIF)*

Government of Guyana. 2012. Guyana's Readiness Preparation Proposal to the FCPF.

Government of Guyana. 2016. Guyana's Revised Intended Nationally Determined Contribution.

Guyana Forestry Commission. 2017. Guyana REDD+ Monitoring Reporting & Verification System Year 6 Interim Measures Report.

Guyana Forestry Commission. 2019. Guyana REDD+ Monitoring Reporting & Verification System Year 8 Interim Measures Report.

Government of Guyana, *Green State Development Strategy*, May 2019

Greiber, Thomas (Ed) (2009). *Payments for Ecosystem Services. Legal and Institutional Frameworks*. IUCN, Gland, Switzerland. xvi + 296 pp.

Han Overman, Nathalie Butt, Anthony R. Cummings, Jeffrey B. Luzar and José M. V. Fragoso; *National REDD+ Implications for Tenured Indigenous Communities in Guyana, and Communities' Impact on Forest Carbon Stocks*; *Forests* 2018, 9, 231

Jackson, Sarah; *LEGAL Frameworks for Payments for Environmental Services: Comparative Policy Approaches to Establishing, Regulating and Enabling Payments to Conserve Ecosystems*; PhD Thesis, University of Dundee Centre for Water Law, Policy and Science, 2015

Kishor, Nalin and Kenneth Rosenbaum. 2012. *Assessing and Monitoring Forest Governance: A user's guide to a diagnostic tool*. Washington DC: Program on Forests (PROFOR): 2012

Laing, Tim; 2018. *Guyana's REDD+ Agreement with Norway: Perceptions of and Impacts on Indigenous Communities*; CGD Working Paper 476. Washington, DC: Center for Global Development.

Ministry of Indigenous Peoples Affairs & the United Nations Development Program, *A guideline for Amerindian Land Titling in Guyana*, April 2017

Netzer, M., Pearson, T., Goslee, K. Cort, K. and Bernard, C. 2018. *Analysis of Direct Drivers of Deforestation for Guyana. Development of a REDD+ Strategy and SESA for Guyana*. Winrock International, Conservation International, and Climate Law and Policy.

Juan Pablo Sarmiento Barletti and Anne M. Larson; *Rights abuse allegations in the context of REDD+ readiness and implementation*; CIFOR Info Brief No. 190, October 2017

Rainforest Foundation US, *Policy Brief: REDD+ in Guyana: Progress and challenges*; October 2019

The Office of the Auditor General of Norway; *Investigation of Norway's International Climate and Forest Initiative*; 15 May 2018

World Wildlife Fund Guyana; *Significant Stories: Empowering communities through participatory MRV in Guyana*, January 2017

Annexes

Annex 1: Action Plan (TBD)

Annex 2: Workshop plan for APA team in relation to importance of REDD+, MRV and proposed forest governance monitoring indicators. (TDB)