



# Community views on the Guyana-EU FLEGT VPA process:

A summary report of twelve workshops held in  
Regions 1 and 2 (June 2014 - January 2015)

Amerindian Peoples Association (APA)  
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# Executive summary

This report summarises the issues and recommendations coming out of 12 community workshops, *“Enabling the participation of indigenous communities in the FLEGT VPA Process in Guyana”*, carried by the Amerindian Peoples Association (APA) with assistance from the Forest Peoples Programme in 2014 and 2015. The workshops were part of the EU-funded project *“Promoting the effective participation of indigenous peoples in the FLEGT Voluntary Partnership Agreement process in Guyana”*. Key messages and views of Amerindian Villages on the importance of their customary forest lands and issues related to FLEGT are:

- 1) The forest is indispensable for the indigenous communities in Guyana. It is an integral part of their culture, livelihood and way of life – in terms of physical, psychological, economic and spiritual wellbeing.
- 2) Communities’ customary lands and forests are currently under heavy pressure from extractive industries, facilitated by a national legal framework that does not fully respect their rights to their customary land and resources therein. The participation of communities in the development of national laws, policies and initiatives that will affect them – including in the FLEGT VPA – has not been sufficient or effective.
- 3) To address and solve these problems, the communities call for resolution of land, forest and resource disputes involving indigenous customary land as reflected in nationally and internationally protected rights. This must be done before the VPA is signed through fair and transparent measures to resolve boundary errors and conflicts, secure land title extension areas and provide legal land titles for untitled communities according to the Constitution of Guyana and internationally protected rights of indigenous peoples to their lands, territories and resources. They also call for the representation of communities on the National Technical Working Group (NTWG) to be improved and for communities’ direct participation through information workshops and consultations to be increased.
- 4) In order to ensure good governance of forests that uphold community rights, actions need to be taken to update and improve relevant national laws, including the 2006 Amerindian Act, so that these laws are fully consistent with indigenous peoples’ rights.
- 5) Indigenous communities see that the FLEGT VPA could have both negative and positive impacts on their villages and forests, depending on how the negotiation process continues, the content of the final VPA and its legality definition, and how the VPA agreement and legality assurance system are implemented. Participants agreed that **if Amerindian communities are fully involved; if their concerns are taken seriously and used to guide the process; and if the agreement – both on paper and in implementation – properly recognise and upholds their rights as protected in the Constitution and in international laws ratified by Guyana**, then the VPA could improve the forest governance in the country and be positive for all parties involved.
- 6) Villagers underline the need to ensure that the timeline for finalising the VPA gives ample space for consultations with indigenous peoples at both the community and national levels in order to guarantee meaningful and effective participation

# Background

The Government of Guyana started formal negotiations with the EU in December 2012 with the aim of signing a Voluntary Partnership Agreement (VPA) under an initiative focusing on Forest Law Enforcement, Governance and Trade (FLEGT). Under the VPA, a Legality Assurance System is being developed in Guyana that will ensure that timber and timber products entering Europe originate from legal sources. It has been recognised by both negotiating parties that the effective participation of all affected stakeholders in the development of key parts of the VPA - such as the Legality Definition - is vital to achieve a robust VPA.

This report presents a summary of the outcomes of 12 community workshops, ***“Enabling the participation of indigenous communities in the FLEGT VPA Process in Guyana”***, carried out by the Amerindian Peoples Association (APA), with the assistance of the Forest Peoples Programme, in Regions 1 and 2 of Guyana between June 2014 and January 2015. The workshops were executed as a part of the two-year EU-funded project ***“Promoting the effective participation of indigenous peoples in the FLEGT Voluntary Partnership Agreement process in Guyana”***. Starting in March 2014, through several activities this project seeks to achieve the following objectives:

- Build capacity and awareness of Amerindian Villages Councils and villagers to become more actively engaged in the FLEGT VPA discussions;
- Enable effective participation of indigenous peoples in the development and implementation of the FLEGT VPA;
- Promote alignment of the FLEGT-VPA outcomes with Guyana’s international obligations on the rights of indigenous peoples.

The workshops were carried out in two rounds of six each. The first set took place between June and August 2014 in the villages of Barabina, Santa Rosa, Kwebanna, Oronoque, Kabakaburi and Capoey bringing together participants from 28 communities. The main aim of this first round was to inform the communities about FLEGT VPA and related issues with the view of building their capacity to effectively engage in the VPA process. The workshops also documented community issues and concerns of relevance to the VPA. Some time was allowed for participants to return to their communities to share what they had learned and to discuss the issues.

The second round of workshops started in November 2014 and the same communities that participated in the first round were invited. They were held in Sebai, Warapoka, Assakata, Akawini, Bethany and Barabina with participants from 21 communities. After exploring the VPA and its potential benefits and problems in further detail, these workshops sought to collect recommendations from the communities for the VPA process and content.

This report first presents the issues that were brought up by community members in both sets of workshops. Thereafter, it summarises the participants’ views on the forest and what it means to them, before the last section presents the recommendations that were made (mainly in the second set of workshops). Overall, the issues and recommendations from all the workshops are closely linked, but footnotes seek to enable the reader to trace specific issues and recommendations to the workshop where they were raised.

# Section 1 -

## Key issues

### Participation and representation of indigenous peoples in the FLEGT-VPA process

In most of the workshops, participants explained that they had very little or no knowledge of the FLEGT-VPA process or the ongoing negotiations. Only a few individuals shared that they had attended related meetings held by the Guyana Forestry Commission (GFC), but noted that these had been mostly carried out in a very limited time and had not allowed for a thorough understanding of the VPA. One person asked, “How much can we learn within a few hours?”

*“GFC is always in a hurry, sessions are conducted in a rushed manner and these are used as consultations even though some persons do not understand what is happening.”<sup>1</sup>*

*“The government is seeing it like REDD+. They only mentioned the amount of money Guyana would receive with REDD+ and not any of the implications. As Amerindians, we need to know if our rights will be respected and if we will in fact benefit from this...[...] The government is saying that they are employing FPIC but they are only looking for Amerindians to say yes to everything and not no, and they only paint a good picture of things and not the bad as well.”<sup>2</sup>*

After the GFC meetings, participants were expected to share the information they had received with their respective communities, but said that this was difficult because of their limited understanding of the issue and the lack of financial resources to move around within their own communities. Even when questions of clarification were sought these were sometimes “turned down”.

Even in the second round of the APA workshops some participants claimed that this was the first time they were hearing about FLEGT. Even though other members from their community were present in the first round of workshops, they apparently had not shared information. Participants therefore discussed how communities can improve their internal systems for transferring information and knowledge on new issues and topics. This is only possible if the information was presented to them in a simplified manner that enables them to explain it to others. Many agreed that individuals who have been identified to represent their communities in fora located outside their village have a duty to update their fellow residents once back home. Participants said that videos, like the ones showed by the APA in these workshops, would be very useful for sharing information.

With many people hearing about the FLEGT VPA for the first time, but learning that the official intergovernmental negotiation process had started already in 2012, they wondered how they had been represented in the process so far. Many had never heard of the National Technical Working Group (NTWG) until the first round of workshops carried out by APA. Others were worried that they did not know what sort of representation the Ministry of Amerindian Affairs, the National Tshaos Council or the Indigenous Peoples Commission were making on their behalf in this group. In many of the workshops<sup>3</sup>, people questioned the ability of these bodies to represent them effectively, given that their ways of working and decision-making have not always been closely connected to the communities. It was recognised that the NTC is supposed to have strong links to communities, but there have been serious flaws in the ways that the NTC body functions. One Tshao explained that village leaders do not get any feedback when they send issues to the NTC and during NTC meetings many Tshaos are not given an opportunity to speak. Others supported him and said that this was true.

<sup>1</sup> Bethany

<sup>2</sup> Kabakaburi

<sup>3</sup> In Kabakaburi, Barabina (1st and 2nd), Warapoka and Santa Rosa especially





*“How effective is that organisation [NTC] in representing the rights of indigenous people on the NTWG [...]. It is expected that the information would be passed down to the toshaos and then to the villagers but there is no feedback to the residents. What representation do the NTC and IPC make? The IPC is like a ghost. What really is the role of the IPC?”<sup>4</sup>*

*“They are currently three groups that sit on the NTWG that represent indigenous rights and they are not doing anything. The APA should be on the NTWG because they effectively advocated for indigenous peoples rights”<sup>5</sup>*

In many of the FLEGT community workshops held in Region 1 and Region 2, the participants called for space for a few community representatives or at least the APA to sit on the NTWG and that the minutes from NTWG meetings be shared with individual communities so they can be aware of what is being discussed and what decisions are made.

### **Indigenous land in the VPA**

A major topic raised and discussed in all the workshops was the issue of how the VPA will deal with indigenous customary lands that are not currently covered by a state-granted land title.

*“We were looking at the regulations [legality matrices] and it does not acknowledge the way in which persons are [...] living outside the titled areas, are they squatters?”<sup>6</sup>*

*“Does the VPA have anything in place to protect [untitled] customary forest land?”<sup>7</sup>*


Many of the communities have experienced that the land they were ‘granted’ does not cover the area that their forefathers used and that they continue to regard as their own under customary law. Other communities have experienced that their titled land has been sliced off by official demarcation exercises led by the Guyana Lands and Surveys Commission. Other Amerindian communities have not received a legal title at all. The result is that many Amerindian families – and sometimes whole communities – live on what according to national law is ‘state land’, when in fact in international law these are indigenous lands that the State is obligation to respect and protect. Logging concessions could therefore ‘legally’ be allocated to outsiders on this land without the free, prior, and informed consent (FPIC) of affected communities even though this is required by international law applicable to Guyana.

<sup>4</sup> Barabina (1st round)

<sup>5</sup> Kabakaburi

<sup>6</sup> Santa Rosa

<sup>7</sup> Barabina (1st round)



With the lack of secure rights to their land, communities are finding themselves in a situation where their own rights are competing against the interests of other groups, especially loggers and miners. Participants observed that most often, the state has given priority to these other interests and questioned how this could be, given that Amerindians have been living on and using the land since time immemorial, long before others came. The case of five land titles being taken back from Amerindian Villages by the (former) government just after they were given to the toshaos in 2012 was used as an example of this problem. After the titles were taken back, the communities in question found that mining and logging concessions had been given out on exactly the same land that they had requested title over.

*“The foreigners and wealthy loggers are taking away from the indigenous people their lifestyle”<sup>8</sup>*

Below follows a selection of experiences in relation to community land security that village representatives shared during the workshops.

- The residents of Barabina are worried about the lack of a legal title to their land. The community’s traditional occupation was recorded by the Amerindian Lands Commission and listed in its report of 1969. An application was sent to the Ministry of Amerindian Affairs in 2006, however upon follow-up by the community it was revealed that the application could not be found in the ministry’s records.
- The existing land title of Hobodeia does not cover the area that the community applied for. The main village area, where many people live and where the school, church and village office are located, outside the title. Consequently, a logging concession was given out on this land. After complaints from the village, the concession holder was moved. However, now the concession is located close to people’s farmlands and is causing problems. The concessionaire is leaving wood to rot and this pollutes the river.
- During demarcation, large parts of Assakata’s land were cut out and left as so-called ‘state land’. As a result, some residents are now living outside the title and the representatives in the workshop raised questions about what would happen to them if the VPA legality definition does not explicitly protect all the land that is theirs – not just what is contained within an existing (inadequate) land title.
- Of the six communities participating in the workshop in Oronoque, only one (Sebai) has a legal title to its land. The representatives from the untitled communities emphasised that they feel powerless in relation to outsiders who come and take over their land. Their farm land is being destroyed by logging, mining and cattle rearing. Residents of Oronoque explained how their land was given as a large scale concession to the Malaysian-owned Barama Company. They were moved from their original homes and were eventually forced to beg the company to get back 100 acres of their own land. The Ministry of Amerindian Affairs started a housing scheme (through ‘Food for the Poor’) on this land, but residents claim that this very small area is still not sufficient for their rotational farming system and does not ensure adequate access to forest livelihood resources used for subsistence.

<sup>8</sup> Kwebanna



- Kwebanna has experienced that the land their forefathers lived on and used has been reduced under the title granted to them. The title description used by Guyana Lands and Surveys for the demarcation further reduced the area yet again. The resources on the demarcated land are not sufficient to sustain their population and they are asking for their customary land to be returned to them. It was explained that with the modern responsibilities and costs of sending children to school etc., a need has risen to earn money. Currently a family cannot earn enough from the resources on the demarcated land, they need to use and have secure rights over their full traditional areas. The deputy toshao said that:

*“Our grandparents can be traced out of the existing title. The forest is our livelihood. It isn’t to make us rich but just for us to earn a living.”*

Kwebanna applied for an extension to get back its customary land, however, this land was issued to a foreign company (Kwebanna Wood Products Inc., related to Bai Shan Lin) as a logging concession. Residents suggested that all Amerindian land titling, demarcation and extensions should be finalised before signing the VPA. When they were told by Ms. Pearson, the representative from the NTWG, that this was not possible but that the process is ongoing, the (former) MoAA official was asked why the titling process takes much longer than it takes to get a mining or forestry concession. No satisfactory answers were provided by the Ministry.

*“The foreign companies come and they have legal rights and we the people who have been living here all the time do not have legal rights.”*

- Bethany’s legal title does not cover all customary lands of the community. Several homesteads are left out of the title. It also excludes sacred lands where their foreparents are buried. The community applied for extension in 2003, but the Ministry of Amerindian Affairs later said that the application cannot be found and encouraged the village to apply again. To date, Bethany has not received any formal response to their second application. Forestry concessions currently exist on the customary land that the community has applied for as its extension.

*“Outsiders are working on our lands [Bethany] who are not supposed to be there and nothing is being done about this”*

- Participants from Sebai were concerned that their grandparents were the owners of a larger area of land and now, because of the demarcation of inadequate title areas, the land size is reduced and does not correspond to the full extent of their customary forest lands. Persons explained that during the demarcation process the surveyors did not want to walk through the swamps and therefore left out a huge chunk of land, which makes the demarcated area different from the description on their title.
- The land legally held by Santa Cruz after demarcation only covers a fraction of the land that the community has traditionally occupied and used. During demarcation in 2006, the surveyors arbitrarily located the boundary along a creek despite strong protests from community members that this not only excluded their customary lands but was inconsistent with the description of the land title. As a result, after demarcation the community found themselves forced to apply for an extension in order to recover their customary lands, lands that had already been recognised in their name.

*“Most of the villages around Guyana are not satisfied with the lands that were given to them. In Santa Cruz, we shouldn’t have to apply for an extension of the lands that we know as our original boundaries. The GPS technicians are trying to cheat us out of our land.”<sup>9</sup>*

## Forest governance

Often in close relation to the land issue (see above), workshop participants shared experiences of how the strong interests of the extractive industry sector is a threat to the general health of their forests. Almost all explained that due to logging and mining activities, important resources such as animals, certain valuable tree species and craft materials are getting scarce in the areas where people have customarily used forest resources. Waterways are also being polluted. People now have to go further to hunt and gather. This is increasingly causing problems since they are using land they know to be theirs, but that has not been included in state-granted titles, where outsiders currently have 'legal' rights and often seek to prevent access to the forest by community members. Some participants<sup>10</sup> were also afraid that the same extractive activities are causing jaguars to start roaming closer to the communities as their living areas are being destroyed and their food sources depleted.

There was agreement that Amerindians are the owners and the guardians of the forests within their customary tenure systems. There was also general consensus among participants in the workshops that the governance systems, including laws and policies, that allow for these extractive industries to destroy the land have been developed without the effective participation of the Amerindian communities. Therefore, all participants called for more information about relevant laws so that they can identify the problems and participate in a process of review and reform of forest governance and relevant laws and policies, including laws relating to land rights.

One of the participants from Wakapoa reminded people that APA did in fact carry out a comprehensive period of consultations with Amerindian communities leading up to the revision of the Amerindian Act in 2006. However, only a few of the recommendations that they made were taken on board, while key proposals had been disregarded in the final law. He said that he hoped the recommendations made during these FLEGT consultations would not be treated in the same way.

After a session looking at the forest and land related laws in Guyana, participants noted that many of these are problematic and unfair from the standpoint of an Amerindian – they undermine indigenous peoples' right to self-determination and to make choices about their own development. It was pointed out that according to the Amerindian Act:

- a community's right to consent to large-scale mining on their titled land may be overturned by the Minister – and they have no rights to participate in decisions about mining of any kind in their untitled, customary lands;
- it is up to the Minister of Amerindian Affairs how much of a community's traditional land is granted as a legal title and the Amerindian Act fails to provide effective and actionable parameters to control the Minister's decision making process or to challenge objectionable decisions;
- the 'traditional rights' of Amerindians are very limited in scope, subject to and in many cases negated by grants of rights to third parties as well as subject to discriminatory limitations that apply to no other person or group in Guyana;

*"This is unfair to us. While we don't have the rights to our traditional lands, other private property owners have access to all the resources. For us to even use one tree it is a problem"<sup>11</sup>*

People were also concerned about the fact that national laws do not recognise their right to own rivers and other bodies of water – thereby excluding large areas from their titles - and minerals in their land. It was noted in several workshops that national laws are not in line with their rights as they are set out in international treaties signed by Guyana, which include rights to all their traditional lands, including the bodies of water therein, and the right to give or withhold their free, prior and informed consent to any policy, project or other activity that may have an impact on that land (including in areas of untitled customary land and forest).

<sup>10</sup> Barabina (2nd round) and Warapoka

<sup>11</sup> Barabina (2nd round)



## The existing forest legality system in Guyana

### **Restrictions**

It was also raised in many of the workshops that not only has their involvement in the making of laws been limited – Amerindian communities also have not taken part in developing the system that is set up to ensure legality in the forest sector. For that reason, many participants saw that the VPA could be positive, insofar as it is meant to facilitate a review of the current legality assurance system – with their full and effective participation.

In most of the workshops with participants from communities involved in small-scale harvesting of timber, the discussions made it clear that there are many unanswered questions when it comes to the operation of the current log tracking system, including what the GFC's mandate is to control logging on titled land. There was a contradiction in the messages given by GFC officers in the workshops. Some claimed that logging on Amerindian titled land is managed by the villages themselves, while other officials said that GFC monitors the forest on both state and village lands<sup>12</sup>.

When it comes to Amerindian untitled traditional land (legally termed State Land under existing national legislation), GFC claimed that communities can hunt, gather materials and farm for subsistence use. However, once gathering of non-timber forest products happens in violation of the relevant codes of practice, the GFC will stop it. Despite this being the rule, according to the GFC (although it is not clear what policy or law GFC is referring to), many participants described a reality where they are seen as thieves:

*“Persons now are saying that the Amerindians are stealing the produce from the land but we have been doing this activity for as long as we can remember and we should not be stopped.”<sup>13</sup>*


For taking of trees from state land, communities must seek the permission from GFC in advance. Several participants opposed this restriction on the use of their own customary resources.

*“Communities without title always have to ask permission from the GFC to take any wood, even for domestic use. Villagers are accustomed to using the forests for themselves so why should the GFC tell them that they cannot cut the wood, when it belongs to them? It is an extra pressure on villagers to seek permission from GFC and originally the villagers were not even informed that the permissions were needed.”<sup>14</sup>*

<sup>12</sup> Barabina (2nd round)

<sup>13</sup> Capoey

<sup>14</sup> Barabina (1st round)



Barabina, a community without title, shared an example to show that the involvement of GFC, as the system requires, is not practical. GFC granted permission for 10,000 BM of wood to be used from the community land for the community's domestic purposes. Tags were issued and strict instructions made not to remove the logs from the location within the community. Only until GFC had verified that the wood was indeed cut from the said location could the logs be moved within the community.

Residents from Hotoquai also showed their dissatisfaction with similar restrictions.

There was an incident where the village of Hotoquai agreed to send wood to a neighbouring community that needed it for a school, which children from Hotoquai attend. With the agreement of Hotoquai Village Council, the logs were transported by members of the community. When a passing GFC officer saw this, however, he told them it was an illegal activity because the wood was headed from one titled area to another and no notification had been made to the GFC.

### ***Strict rules, high charges and fines***

Several examples were given throughout the workshops of the various fees and fines that make it difficult for Amerindian loggers to participate in the logging industry.

- Some participants were of the opinion that a problem with the current legality system is that there are not enough incentives for people to operate legally. The small-scale loggers already earn little money and, according to the system, they also have to pay royalties to the GFC on the wood. A GFC officer replied that he thinks the royalties are small – for a high value specie logged on state land, the royalty to the GFC is \$5 GYD per BM and the price of one BM is about \$160 GYD.
- One community logger expressed his discontent with the log tagging system, which he claimed is not working properly. He explained that he used to work with a logging permit that he had to renew once a year until one day he went to renew it, GFC told him that there is a new system and that tags are now also required to operate. He said that some times tags are not available and it puts financial strain on small loggers.
- To acquire a saw mill, certification from EPA is needed and this can only be obtained by travelling to Georgetown. Participants said that the travel is expensive for them and wondered if there could not be another way to meet that requirement.



- A participant from Kabakaburi explained that another problem is the removal permits that are required to move timber out from Amerindian titled lands. The rule is that the document must be filled out at the spot of felling the tree. However, often a logger moves the logs to the saw mill only to find out that there are some logs that are not of good enough quality and that are not bought. The system still requires the loggers to pay royalty to the GFC for all the logs listed on the removal permit, even if it was not removed in the end. A participant explained that one time he had waited to fill out the removal document, as he wanted to see how many logs were taken by the saw mill. However, when the GFC officer found out he was fined.
- A logger from **Mainstay** described a situation where GFC had reduced the quota of logs per year from the village group's SFP from 1500 cubic meters to 500 cubic meters without any explanation. The villagers had paid \$311,000 GYD for this SFP, and the reduced amounts of tags issued to the group (for 134 logs per year) meant that each logger could only take out 9 logs per year.

*"How can I live off of that? I have three small children to send to school and this cannot do for my family. If I don't send my children to school then the ministry would take them away from me. The law is not fair to any indigenous person living in Guyana."*

- A participant shared an experience from **Bethany** where GFC had selected a few permits to inspect. It was found that some stumps were improperly tagged and were out of the village's land. GFC fined the village 1.5 million GYD for this. One example of the improper tagging occurred when the piece of the tag that was intended for the stump ended up on the log. However, the community has not paid the fine to date. The fact that some parts of the village's lands were left out when the village was titled in 1998 has also resulted in a situation of confusion about what is on and what is outside village land.
- Participants from Kwebanna shared a similar experience. The title description received by the community in 1976 differs from the one used by Guyana Lands and Surveys Commission during the demarcation. As a result, village loggers had to pay a fine in excess of 3 million GYD for logging on this 'disputed' area.
- A logger from **Kwebanna** said that the timeframe for a State Forest Permission (SFP) is too short (up to two years) taking into account the amount of money it costs to obtain and operate it and the unpredictable weather that might interrupt harvesting. The initial package that is required to start an SFP costs \$300,000 GYD. This includes tags, maps and permission. In addition to the package, the land has to be surveyed and an inventory has to be made, which both cost money. The logger suggested that the SFP could be extended by one or two years to make it economically more viable for the small operators.
- It was raised in the workshop in **Barabina** that community members involved in log export are facing difficulties adapting to using the metric system (quantity has traditionally been measured in BM). There is a substantive pressure on the person preparing the documentation to convert correctly, as the metric system is relatively new in the interior. Several participants reported that they had been fined for making the wrong calculation.

## Exploitation of workers

Participants could share that the lack of formal work contracts have resulted in many cases where persons from their communities have been hired by non-residents to do logging and then not being paid for the service<sup>15</sup>. Kwebanna villagers were employed by the logging company Bai Shan Lin, but had not received payment almost a year later.

<sup>15</sup> Kwebanna, Barabina, and Warapoka



## The VPA and the legality definition<sup>16</sup>:

### *Legality definition: discussion and recommendations*

The first round of workshops sought to introduce the legality definition to the participants and explain how it can be read, as most of the participants had not seen the document before. While several of the toshaos had been made aware of the legality definition in various fora, many participants were disappointed that they had not been involved in the development of the paper earlier, but were glad that they were finally given a chance to make inputs. It became clear that the document is very hard to understand, especially on a first read. Only preliminary observations were therefore made in the first round. In the second round, participants still found the document complicated, but some more substantial observations and recommendations were made for its improvement. In most workshops it was, however emphasised that communities need more time and help in order to fully understand the implications that the definition has for their lives and livelihoods.

In almost all the workshops it was discussed what the current definition means for their customary land that is not covered by a legal title – people wanted to make sure that this land (as well as the titled land) is not in any way negatively affected by the VPA. People had different preliminary suggestions for how to ensure that this land is saved from the issuance of logging concessions to third parties.

Some argued that when the legality definition refers to indigenous land, this must include all the lands that Amerindians have rights to as defined by their customary tenure system and customary law and according to Guyana's international obligations – and this must be evident in all matrices, not only the one dealing specifically with Amerindian land<sup>17</sup>. People know their own boundaries and the communities' own maps should be used as source documents<sup>18</sup>. Others called for their own traditional use of these areas not be affected by the way legality is defined<sup>19</sup>. It was recommended that solid evidence of free, prior and informed consent (FPIC) by communities that live in a certain distance from a proposed concession should be added as a source document to prove and verify the legal logging rights of a Forest Management Organisation (FMO)<sup>20</sup>.

Other issues discussed in relation to the legality definition were governance of logging operations on Amerindian lands; the welfare of workers in timber operations; and the need for the definition to allow for children to follow their parents to work in the forest without this being defined as child labour or forced labour. It was suggested that each community needs to have an internal discussion about how to govern logging operations on their lands (in relation to annual allowable cut, first aid kits, personal protective equipment etc)<sup>21</sup> that involve the Village Council and potentially a committee set up especially to be in charge of overseeing logging activities.

In a majority of the workshops it was recommended that there should be two different matrices for Amerindian land and other private property.

<sup>16</sup> The version marked "Version of document 2, 05-06-2013" was used in the community workshops.

<sup>17</sup> Barabina (2nd round)

<sup>18</sup> Assakata, Santa Rosa, Akawini, Capoey, Kwebanna

<sup>19</sup> Santa Rosa

<sup>20</sup> Kabakaburi

<sup>21</sup> These topics came up in a majority of the workshops



### Views on the VPA overall

Reoccurring in all the workshops was the opinion that the FLEGT VPA could have both negative and positive impacts on Amerindian communities depending on how the negotiation process continues and how the agreement is implemented. People agreed that if Amerindian communities are fully involved; if their concerns are taken seriously and used to guide the process; and if the agreement – both on paper and in its implementation – fully recognises their rights as they are protected in international laws ratified by Guyana, then the VPA could improve the forest governance in the country and be positive for all parties involved. Many also saw the opportunity to monitor their forests as a potential positive aspect of a VPA that properly upholds indigenous peoples' rights<sup>22</sup>.

*"It can be a plus for us if we are included in the negotiations and if all the laws are amended and our land tenure rights are respected"*<sup>23</sup>

Some participants also felt positive about the potential of a good VPA to eliminate the middle men that keep indigenous loggers from obtaining better prices by instead allowing communities to export directly to the EU<sup>24</sup>.

However, as was made clear in almost all workshops, there are a number of issues that must be dealt with before the VPA can have these desired outcomes. Section 3 sets out recommendations to this effect.

<sup>22</sup> Warapoka, Akawini, Sebai, Bethany and Barabina (2nd round).

<sup>23</sup> Akawini

<sup>24</sup> Kabakaburi

## Section 2 - Visioning: Forest and people

In the second round of workshops participants were asked questions about their collective relations to the forest; what the forest means to them; how they use the forest; and what vision they have for the forest for near future (next 30 years).

All the answers and vision highlighted how invaluable and indispensable the forest is to Amerindian communities. They described the forest as a source of life and gave a myriad of examples of how it is an integral part of their lives and culture – in terms of their physical, psychological and spiritual wellbeing.

*"We cannot live without the forest. Without it we cannot exist."<sup>25</sup>*

*"As Amerindians we live in the forest area. It provides fresh air, fresh vegetation - cool water runs in its creeks. My children enjoy the safety of playing under the trees, walking to school with a peaceful forest and mind."<sup>26</sup>*

*"If the forest is destroyed, we won't have food to eat, the games will disappear, it is beyond expression. Our fathers survived on it for centuries.. It is our way of life"<sup>27</sup>*

When it comes to physical needs, the forest provides food in form of animals, fish, wild fruits and land for their farms. It provides clean water, air and medicines. People also collect materials to build their houses and boats.

*"The forest means a lot to me. I depend on it for a livelihood, for hunting, fishing and plants for medicine. We get our housing and it provides pure air for us to breathe."<sup>28</sup>*

*"The forest gives us fresh air and we depend on it for everything we need - for our livelihood, hunting, fishing and medicine."<sup>29</sup>*

The forest is closely related to traditional beliefs and provides the space where the Amerindian communities can continue to practice their culture in peace. Participants expressed that they see themselves as the owners of the forest.

*"It provides a way of living for me, the culture we learn, the way of living we share and honour. It is the way we make our living. It is the place where we were born."<sup>30</sup>*

*"The forest is important because of ancestral heritage and spiritual connection and because of the wild life we utilize lives there."<sup>31</sup>*

<sup>25</sup> Barabina, January 2015

<sup>26</sup> Bethany, January 2015

<sup>27</sup> Barabina (2nd round)

<sup>28</sup> Bethany

<sup>20</sup> Bethany

<sup>30</sup> Bethany

<sup>31</sup> Assakata





People's visions for the future entail healthy forests with an abundance of wild animals, birds and different species of trees. It was noted that everything in the forest is interrelated. The degradation of forest can cause animals to migrate and consequently hunters have to go further, and roam a larger area of land, to find meat. Some communities already reported that this is happening where they live<sup>32</sup>. Participants were therefore very clear that in the future, the forest must be used in a sustainable manner. Persons said that they take only what is needed for immediate use and try to ensure that there is more at the source that they can get another time. For example, in the case of nibi they always ensure that a vine is left so that more can grow from it.<sup>33</sup>

*"Our lands must have all the species so our children can know them also. Our forest must be managed properly and our farm lands used in a way to keep the natural resources growing."<sup>34</sup>*

*"I protect the forest because our people to come will have the same benefits from it also."<sup>35</sup>*

*"I would like to see a forest as it ought to be; free from deforestation. It must be fully intact."<sup>36</sup>*

When talking about the future there was also mention of development. Communities want development, however, it must be defined and guided by the communities themselves. Any development must be sustainable and self-determined. Amerindians have been the keepers and protectors of their forest for generations and they wanted this to be acknowledged and respected by the State and by others, including the EU.

*"[the harpy eagle] want to see a beautiful Amerindian village surrounded by forest that has everything so that they won't have to go elsewhere to get their living."<sup>37</sup>*

<sup>32</sup> Sebai, kabakaburi, Akawini, Santa Cruz, Kwebanna

<sup>33</sup> Assakata

<sup>34</sup> Barabina, January 2015

<sup>35</sup> Sebai workshop, November 2014

<sup>36</sup> Barabina workshop, January 2015

<sup>37</sup> Bethany workshop, January 2015

# Section 3 -

## Overall recommendations

### Indigenous peoples' rights:

- 1) All disputes involving indigenous peoples' customary lands must be resolved according to the internationally protected rights of indigenous peoples to their lands and resources before the VPA is signed<sup>38</sup>. To ensure this, it was recommended that:
  - a. Relevant national laws are revised to fully respect and protect the rights of indigenous peoples, including their rights to all collectively and customarily owned land and to FPIC<sup>39</sup>.
  - b. All customary lands claimed by Amerindian communities are protected through legal land titles.
  - c. The Human Rights Commission is established in accordance with the Constitution of Guyana.<sup>40</sup>
  - d. Maps of customary land use and ownership produced by communities themselves are recognised by the government and its agencies in the process of titling indigenous land<sup>41</sup> and communities are actively involved to ensure correct demarcation of their boundaries.
  - e. All land under third party concessions on Amerindian customary land is returned to the communities<sup>42</sup>.
  - f. Communities are free to use and control the resources on their customary land without interference from external parties, including the GFC<sup>43</sup>.
  - g. Consultations are held and FPIC is obtained from Amerindian communities before any new concession can be issued on or close to their customary lands<sup>44</sup>.

### Forest management system:

- 2) The VPA must contain a definition of "subsistence" that allows for a certain quantity of timber to be logged and sold or traded to sustain Amerindian families. This would entail that not all sale of timber is categorised as "commercial". The adequate limit would have to be agreed in consultations with communities<sup>45</sup>.
- 3) The maximum period for holding an SFP should be extended with one or two years to make it economically viable for small-scale loggers to engage in the logging<sup>46</sup>.

<sup>38</sup> A variation of this recommendation was made in Akawini, Barabina, Warapoka, Bethany, Kwebanna. However, views were shared in all workshops about how residents did not want the VPA to have a negative impact on their customary land that is yet not covered by a title.

<sup>39</sup> Assakata, Bethany, Akawini, Warapoka

<sup>40</sup> Warapoka and Bethany

<sup>41</sup> This was recommended in a great majority of the workshops

<sup>42</sup> Akawini

<sup>43</sup> Sebai, Akawini

<sup>44</sup> Warapoka, Bethany and Assakata

<sup>45</sup> Warapoka, Kwebanna

<sup>46</sup> Kwebanna





### Participation and representation:

- 4) Indigenous communities must be supported to be able to fully and effectively participate in the VPA process. To this end the various workshops recommended that:
  - a. More outreach and consultation, with adequate time frames, is carried out by GFC, APA and the NTWG to allow communities to fully understand if and how the VPA could impact their lives and livelihoods. Consultation schedules must allow enough time (three days was suggested as a standard) to deal with topics in a comprehensive manner and also build in time to enable communities to review matters internally<sup>47</sup>.
  - b. Regular feedback is provided to communities on how their inputs are taken into account and how the VPA process is developing to address their concerns<sup>48</sup>.
  - c. GFC develops awareness programs aimed at making forest related laws understandable for communities. Relevant laws must also be made available at the community level<sup>49</sup>.
  - d. Individuals who attend workshops on behalf of their communities recognise that they have a duty to share the information with his/her community<sup>50</sup>. However, the representatives will only be able to share if he/she has fully understood the issues through in-depth discussion and appropriate learning material (in terms of style and length).
  - e. Indigenous communities are able to monitor their forests and the implementation of the VPA. This may require that equipment (e.g. computers, GPS and compass) is made available to them<sup>51</sup>.
  - f. The system for allocation of forestry resources is transparent – e.g. information about large concession holders and their contracts with the state of Guyana are available for public scrutiny<sup>52</sup>.
  - g. If indigenous communities want to become involved in timber export, a national fund is set up for them to access financing<sup>53</sup>.

<sup>47</sup> Barabina, Warapoka, Assakata, Akawini

<sup>48</sup> Warapoka


<sup>49</sup> Barabina, Kwebanna, Assakata

<sup>50</sup> This was discussed in a majority of the workshops

<sup>51</sup> Warapoka, Akawini, Sebai, Bethany and Barabina (2nd round)

<sup>52</sup> Akawini, and Warapoka

<sup>53</sup> Bethany and Warapoka

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- 5) Indigenous communities must be informed about, involved in and listened to in the development of initiatives, policies and laws that may affect them – e.g. in reviews of land and forest related laws relevant to the legality assurance system developed under the VPA<sup>54</sup>.
  - 6) The representation of indigenous communities on the NTWG must be improved. To this end it was recommended that:
    - a. There is space for a selected number of representatives from indigenous communities on the NTWG<sup>55</sup>.
    - b. APA has a seat on the NTWG<sup>56</sup>
    - c. A clear structure of communication between communities and the NTC executive is developed. NTC must have its own secretariat and funding to ensure its independence<sup>57</sup>.
    - d. The Ministry of Indigenous Peoples Affairs should not be considered to be a representative of indigenous peoples in any of the processes mentioned above. As a government ministry, it must rather be seen as a representative of the State.

The VPA process must allow sufficient time for the above recommendations to be met. This must be reflected in a revised VPA roadmap.

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<sup>54</sup> Warapoka, Akawini, Assakata.

<sup>55</sup> Barabina (1st round) and Warapoka,

<sup>56</sup> Barabina (1st and 2nd), Akawini, Warapoka, Bethany,

<sup>57</sup> Akawini and Kabakaburi



