



EU FOREST LAW ENFORCEMENT GOVERNANCE AND TRADE

GUYANA'S VPA PROCESS

Stakeholder Session on FLEGT Region 2 & 10
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Report

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LIST OF ACRONYGMS

AVC	Amerindian Village Council
CoC	Chain of Custody
EU	European Union
EUFLEGT	European Union Forest Law Enforcement Governance and Trade
FAO	United Nations Food and Agriculture Organization
FMO	Forest Management Operator
GFC	Guyana Forestry Commission
IFM	Independent Forest Monitoring
IM	Independent Monitoring
ITTO	International Tropical Timber Organization
LAS	Legality Assurance System
NGO	Non Governmental Organization
NTWG	National Technical Working Group
NTC	National Toshaos' Council
SFM	Sustainable Forest Management
SFP	State Forest Permission
ToR	Terms of Reference
VPA	Voluntary Partnership Agreement

1. BACKGROUND

Guyana and the European Union (EU) have commenced formal dialogue on an EU Forest Law Enforcement Governance and Trade, Voluntary Partnership Agreement (FLEGT VPA). The first formal negotiation was held in December 2012, at which key timelines were agreed to, that would guide the process moving forward. In announcing its decision to commence formal negotiations with the EU on a VPA, Guyana expressed that it is aware of the benefits of a FLEGT VPA such as stimulating markets, enabling Guyana's exporters to retain markets, developing systems that demonstrate legality of timber production on international markets and expanding reporting requirements.

The commencement of formal dialogue with the EU was preceded by a series of stakeholder engagement exercises and consultations that helped Guyana to take the decision to enter into formal negotiations. The Government of Guyana, FAO, EU and local stakeholder groups were instrumental in supporting this process of sharing information, conducting initial analyses and contemplating potential impacts and benefits of a FLEGT VPA for Guyana.

Thus far, a number of steps have been taken, including the establishment of a FLEGT Secretariat in Guyana which is housed within the Guyana Forestry Commission, the formation of a multi stakeholder steering body for the VPA negotiation and implementation efforts and the development of a Joint Roadmap for Guyana - EU FLEGT VPA process.

The second negotiation between Guyana and the EU was held in July, 2013 in Brussels, Belgium. Subsequently, efforts were made to undertake stakeholder awareness and consultations to inform stakeholders on the progress made thus far in the EU FLEGT VPA process and simultaneously receive feedback. This initiative, supported by FAO, targeted stakeholder groups within the three counties to begin with, providing the opportunity for them to meet in a manner which fostered open discussion on some of the areas which were being drafted under the FLEGT arrangement. The areas addressed at these sessions were: the Legality Definition, the Roadmap and a general update of the progress made thus far in the FLEGT VPA process.

2. OBJECTIVE AND APPROACH

2.1 Participation

On the 23rd- 24th and the 30th of October, 2013 stakeholders attended two Awareness Sessions in Essequibo and Kwakwani respectively, which were aimed at updating stakeholders on the progress of Guyana's VPA process, providing clarification needed and eliciting feedback from stakeholders. There was representation from large and small scale concessionaires, Non-Governmental Organizations, Forest Industry Operators, Amerindian Communities, Community Forestry Groups, the National Technical Working Group and staff of the Guyana Forestry Commission. The complete list of representatives is presented in Appendix 1.

2.2 Workshop Agenda

The second negotiation between the European Union and the Guyana Forestry Commission was held in July, 2013. Taking this into consideration, the sessions were structured to facilitate information sharing, interaction and capacity building. Sessions included general awareness on EU FLEGT, decisions made at the second negotiation as well as updates on the various aspects of Guyana's EU FLEGT VPA process, particularly the Legality Definition and the Joint Roadmap and were followed by discussion sessions.

The sessions were chaired by Kenny David, Head of the FLEGT Secretariat.

2.3 Specific Objectives of the Awareness Sessions

These sessions were aimed at achieving several specific objectives. These objectives included the followings:

1. To share general information on EU FLEGT
2. To present the following updated documents:
 - a) Legality Definition
 - b) Regulatory Framework
 - c) Product Coverage
3. To outline the progress of Guyana's VPA process especially in relation to negotiations between Guyana and the European Union, the Roadmap for Guyana's FLEGT VPA process, stakeholder engagements, Scoping of Impacts and the Communication Strategy.
4. To specifically highlight the outcomes of the second negotiation between Guyana and the European Union held in Brussels, Belgium in July, 2013.
5. To provide a platform for stakeholders to raise concerns, seek clarifications and state recommendations and expectations pertaining to Guyana's VPA and its progress thus far.

3. SUMMARY OF PROCEEDINGS

3.1 Opening Session

The Sessions were opened by Kenny David, Head of the EU FLEGT Secretariat. He welcomed the participants and encouraged them to participate during the session. The objectives of the sessions as well as an outline of the proceedings were presented. In his opening remarks, he highlighted the importance of stakeholder participation and input to the progress of Guyana's VPA process. It was emphasized that the VPA process is a collaborative one, which is posited to exemplify the objectives Guyana aims to achieve in relation to sustainable forest management, strong forest government and legality. Further, he acknowledged the continued support FAO has provided which had allowed Guyana to undertake various aspects of the VPA process. It was also mentioned that there is still the need for more financial support given the level of work which needs to be completed under the VPA.

3.2 Featured Presentations

3.2.1 Presentation One: Progress of the EU FLEGT VPA in Guyana

Key points of this presentation were:

- Guyana's opportunity to achieve numerous benefits from pursuing an FLEGT VPA in relation to market access, improved governance at all levels, growth of the sector, capacity building, international credibility and recognition, reformed of laws and policies and improved legal compliance.
- Guyana's vision and objective for the VPA which advocates legality, sustainable forest management and market access.
- Key expectations of the VPA related to proposed agreements and due recognition to current circumstances within the sector in Guyana, such as the different operation structure and the specific legality requirements across the stakeholder groups.
- The background of Guyana's engagement with the EU on a FLEGT VPA which commenced in 2009 and consequently led to a policy decision in March, 2012 affirming Guyana's commitment to pursue an EU FLEGT VPA.
- An outline of preparatory work for commencement of negotiation undertaken by Guyana. Activities included the National Preparatory Workshop which was held in September, 2012, development of Terms of References, establishment of the National Technical Working Group, initial meeting of the National Technical Working Group and establishment of the FLEGT Secretariat.

- Achievements to date which encompass two negotiations with the EU, development of a tentative Product Scope, development of a draft Legality Definition and work executed on the Wood Tracking System.
- Stakeholder involvement in Guyana's VPA process including a workshop held with indigenous communities which focussed on the Legality Definition and the Terms of References for the Communication and the Scoping of Impacts. Additionally, meetings were held with the various stakeholder constituency groups.
- Status of the Scoping of Impacts and Communication Strategy which are funded by the Food and Agriculture Organization of the United Nation. Review of applications was conducted and consultants were selected to undertake these activities.
- Partnership with like-minded institutions and organizations such as the Food and Agriculture Organization, Department for International Development and the European Forest Institute aimed at fostering a better understanding of Guyana's forest sector and possible areas of support.
- Continuing works being undertaken inclusive of monthly submission of reports on progress to International Tropical Timber Trade Organization for publication in its market report and continued dialogue with stakeholders throughout the process. Reference was made to a mechanism which allows stakeholders to make queries on Guyana's VPA process via Guyana Forestry Commission's website.

3.2.2 Presentation Two: Roadmap for the VPA process

Key points of this presentation were:

- The Joint Roadmap being the blue print of Guyana's engagement with the EU covers the in-country consensus building and bilateral negotiation phases of the VPA process. However, it does not cover detailed activities beyond the negotiation phase.
- The objectives of this roadmap which includes: providing of guidance to the National Technical Working Group, GFC and other stakeholder groups on activities to be undertaken in the negotiation process of VPA; identifying key components and milestones for the negotiation; determining support, both financial and technical required for preparatory activities for negotiations; determining timelines and schedules for preparatory and negotiation processes and providing a framework to monitor and evaluate preparatory activities for the negotiation of the VPA.

- A schedule of the two negotiations conducted and those planned for subsequent years. The third and fourth negotiations are scheduled to be held 2014 and the final negotiation scheduled for either the fourth quarter of 2014 or the first quarter of 2015.
- The ratification process that is envisioned to be conducted within the first, second and third quarters of 2015.
- Key milestones within the Joint Roadmap were highlighted and mention was made regarding those which have been completed.
- The outcome of the second negotiation between the EU and Guyana which was held in Brussels, Belgium. Reference was made to the various amendments made to the Roadmap at that negotiation.

3.2.3 Presentation Three: Draft Legality Definition for Guyana's EU FLEGT VPA

Key points of this presentation were:

- The Legality Definition outlines the criteria for assessing the legality of forest produce. It includes parameters related to legal rights to harvest, legal harvesting and legal trading.
- The Legality Definition is structured to capture the various requirements for large and small scale operators within the sector. This encompasses concessions, export entities, and processing and sale entities.
- The Legality Definition is currently in its draft format. Emphasis was placed on explaining what the LD seeks to capture and how the current list of criteria and indicators were arrived at; much stemming from an existing Guyana Legality Assurance System document and work done under the MoU with the Kingdom of Norway, especially the Independent Forest Monitoring aspect of that agreement.
- An outline of the criteria, indicators and verifiers for the different stakeholder groups were outlined followed with an explanation for the different indicators and the manner of verification for the same.

DAY ONE OF THE EU FLEGT AWARENESS SESSIONS

3.3 Discussions

3.3.1 Progress made with the EU FLEGT VPA Process

Essequibo

Questions and concerns raised by participants

- Inquiries were regarding the European Union's requirement for such stringent specification when Guyana already has adequate laws and regulations to tackle and stop illegal logging. Assurance was given that the aim is not to induce additional burdens on stakeholder but to enforce and build on existing systems of Guyana.
- A call was made to GFC to ensure that the prices for produce to be exported through a middle man be controlled and regularized to ensure that the local producers benefit financially from export sales and ensure its inclusion in the Legality Definition as a social requirement.

It was agreed that an equitable distribution of benefits is paramount; however this VPA may not be able to address the issue but the primary producers may have to produce products that are of superb quality to enhance their bargaining power or remove the middle man completely. In addition, the government's input will be crucial in attempting to address and find solution to the issue.

- Enquiry related to the benefits of the FLEGT VPA to local stakeholders and Guyana's need for the EU market were strongly expressed. In addition, representation was made for Guyana to ignore the EU market as other markets do not have such stringent requirements and import higher volumes of Guyana's products.
- For the purpose of clarification, the Chairperson indicated that though Guyanese markets are secured in other countries and are growing the reality is that the same produce exported especially to Guyana's major markets like China and India as raw material sometimes find their way into the EU market as finish products. This reality will present the need to prove legality because of the final destination.
- A participant indicated that record keeping is a very important component of the FLEGT VPA process and if cooperation is garnered the process will be successful.

- Concerns relating to insufficient enforcement staff to effectively monitor the forest against illegal logging once the FLEGT agreement has been signed was highlighted. In addition, the use of efficient equipment such as a helicopter to reach far stretched areas should be considered to resolve such inefficiencies.
- Inquiries were made as to whether GFC has any incentive/s, such as provision of additional tags, to encourage producers to refrain from illegal logging. Confirmation was given that the incentive would be the potential increased markets and the fact that produce are harvested legally and environmentally friendly which subsequently sustainable production. Participants were reminded that legal logging ensures the benefits go to the right people.
- It was posited that improvement is needed regarding the synergy of information flow (specifically boundary demarcation), between government agencies with responsibility of keeping such records. It was mentioned that there were occurrences where these agencies had varying information for one specific geographical location.

Assurance was given that efforts are being made to correct that issue and it will be dealt with before the Legality Definition is finalized.

- Stakeholders enquired whether the Legality Assurance System will be tested before the VPA agreement is signed. Assurance was given that the system will be tested prior to signing the VPA. Further, the test will begin as soon as the Legality Definition has been consulted on and all stakeholders have met consensus regarding the same.

Kwakwani

Questions and concerns raised by participants

- Concern was raised as to whether the Guyana's FLEGT process will be controlled by the EU and if they will be the body enforcing the laws of the agreement?
It was indicated that while the EU has requirements such as international conventions that they expect Guyana to meet their main goal, that is, to ensure the legality of produce exported to the EU. However, the process will be developed by the stakeholders and controlled by Guyana's governing body. In addition, the system that Guyana agrees to will be independently audited to ensure that what is agreed to, works. The EU will neither develop nor control Guyana's system.
- It was enquired whether the National Technical Working Group will be responsible for the regulation of prices for exports to the EU. Stakeholders were informed that the

NTWG will not be responsible for regulating prices, rather, it will be a decision agreed upon between buyer and seller.

- Great interest was shown for charcoal to be added to the list of products subject to FLEGT Licensing under the VPA. The Amerindian communities within the Demerara district are interested in producing charcoal for export as they are concerned that the commercial species currently being exported will soon become unavailable in their community and are of the view that the demand for charcoal is increasing.

Stakeholders were apprised of the technicality of proving legality for charcoal and were informed that this should be ensured before charcoal can be added to the list. In the interim, efforts are being made to have legality proven up to the first point of conversion and thereafter all produce be deemed legal, only then a product like charcoal can be added to the list. However, stakeholders were assured that charcoal can still be exported in the interim through the European Union Timber Regulations.

- Small loggers expressed concerns relating to the lack of representation of their issues at the NTWG level as well as the lack of information dissemination and feedback mechanisms between small loggers and their representatives.

It was suggested that the method of communication filtered to and from the NTWG, through their representative, be clearly defined, agreed to and implemented to ensure the inclusivity of the VPA process.

3.3.4 Group discussion on the Legality Definition

Summary: Guyana's proposed Legality Definition within the framework of the EU FLEGT VPA

Participants were divided into two groups to review the Indicators for Monitoring of Amerindian Villages and other Private Properties and Monitoring of State Forest Permissions respectively, as presented in the Draft Legality Definition document. The objectives of this working group session were to:

1. Analyse the proposed indicators relevant to their specific operation in the Draft Legality Definition for EU FLEGT.
2. Determine the suitability and practicality of the principles and corresponding criteria
3. Identify indicators which communities envision difficulty in relation to compliance
4. Suggest new indicators which they think would be pertinent to establish legality.

It should be noted that given the timelines for the development of the legality definition, until December 2014, these discussions were meant to start the engagement into what are some of the concerns concessionaires have with compliance. It was clearly stated that these discussions have only just commenced and persons will have many more opportunities to voice their concerns. It was emphasized however, that participants should ensure they have a very good understanding of this draft Legality Definition.

The following points were expressed after discussions within the two groups:

Essequibo

Legality Matrix for Amerindian Villages/Reservation and other Private Properties

- Indicator 1.2.1

The specific sections of the Forest Act applicable to harvesting in reservations and private properties should be mentioned in the Legality Definition.

Further discussion on the Legality Definition will continue in the respective communities and villages and then communicated to the FLEGT Secretariat.

Legality Matrix for State Forest Permissions (SFPs)

- Indicator 1.1.4

The indicator should be more specific to indicate whether it applies only to long term contracts or both long and short term contracts; short term might result from unexpected incidents that require immediate action before GFC can be contacted for approval. The type of equipment should also be mentioned. In addition, the response time for GFC to approve such request should be mentioned.

- Indicator 1.2.2

The indicator should be more specific of what the customary rights are as not to give too much power to traditional people who may want to take advantage of such rights.

- Some participants were not in agreement with indicator 1.2.2 as past experiences have proved that customary rights have been taken advantage of by indigenous peoples and have exposed stakeholders to harm through setting of animal traps and use of weapons without warning concessionaires.

- Further discussion on the Legality Definition will continue and then communicated to the FLEGT Secretariat.

Kwakwani

In relation to indicator 4.1.6 in the SFP section, stakeholders expressed uncertainty related to the criteria for determining what accidents should be recorded by the FMO.

With reference to the indicator 4.1.2, stakeholders referenced the cultural heritage of Guyana whereby on holidays, weekend and school breaks children are taught the traditional trade of forest operations. They proposed that this information be shared with the EU to foster a better understanding of Guyana's culture. They expressed that discussions be held before accepting this indicator, as is custom in many other countries that have signed international conventions.

Record keeping and documentation

- In relation to documentation, stakeholders inquired whether provision will be made in the Legality Definition for instances where documents are genuinely lost or destroyed by fire.
- In addition, stakeholders also indicated that the Legality Definition should indicate the type of document accepted for verification by the governing body: whether it would be scanned, photocopied or original.

DAY TWO OF THE FLEGT SESSIONS

Role of the selected participants from Amerindian Reservations and SFP Associations

Participants selected for the second day of the sessions were selected with the aim of having a permanent representative from each Amerindian Village and each SFP Association who will be equipped for the task of sharing the message of the FLEGT VPA process within their respective communities and association districts. In addition, the representative will be responsible for providing feedback to the FLEGT Secretariat on the progress, challenges and concerns received from their communities. This approach was selected by the NTWG due to the fact that many communities and associations groups relate better to their own members. The messages however, were made very simple, bearing in mind the level of capacity that exists within many of these groups.

All participants were urged to provide a formal letter from their Toshias and Chairperson indicating their nomination to represent the communities and associations throughout the FLEGT VPA process.

Each participant was given the opportunity to share their understanding of the FLEGT VPA process and a satisfactory response was received from participants. Responses indicated that the

participants were comfortable with the messages to be transferred upon their return to their respective groups.

The presentations on the FLEGT VPA process and the Legality Definition were reemphasized for the benefit of participants for clarity and understanding and to ensure that the message taken back to the communities is consistent and clear.

All participants accepted the task of being the representative to inform communities and associations of the FLEGT VPA Process on behalf of the NTWG. In addition they also indicated that they are comfortable and well informed to foster further awareness on certain aspects of the FLEGT VPA programme.

3.3.5 Mechanism for reporting and liaison between representatives and NTWG

Essequibo

Recommended format for information sharing within individual communities and Associations

- Through the statutory monthly community meetings
- Through special meeting with executive members followed by a general meeting
- One on one conversation with community members as the documents are distributed.

It was suggested that there should be at least two representatives each from communities and associations for FLEGT awareness in communities. It was posited that small communities and associations that endeavour to jointly undertake this venture be encouraged to do so.

The communities also strongly suggested that the Chairman of the National Toshaos' Council and representatives from the Indigenous Peoples' Commission attend the FLEGT sessions.

Recommended format and means of communication between community representative and FLEGT Secretariat/NTWG

- Monthly written or emailed updates submitted to the FLEGT Secretariat at the Guyana Forestry Commission.

Needs of communities to aid in the awareness sharing in their communities

- Printed copies of the presentations to distribute to the communities
- The EU FLEGT fact sheet

Kwakwani

Recommended format for information sharing within individual communities and associations

- Through the statutory monthly community meetings

Needs of communities to aid in the awareness sharing in their communities

- Small group sessions conducted by the NTWG within communities along with posters and the fact sheet on EU FLEGT.

Recommended format and means of communication between community representative and EU FLEGT Secretariat/NTWG

- Written letters sent to the FLEGT Secretariat
- Communication through telephone contact -Representatives can also update the FLEGT Secretariat through telephone contact if the above is not possible.

CONCLUSION

The FLEGT Sessions provided a platform for promoting further discussions and stakeholder participation in Guyana's FLEGT VPA process. Key issues of the process such as best methods of communication, representation at the NTWG level and synergy of information flow from the relevant agencies were raised and discussed.

Stakeholders recognized the importance of formulating a practical Legality Definition which covers the gamut of social, environmental and economic aspects of the forest industry. Further, there was agreement that the Legality Definition should be further developed through extensive consultation with stakeholders.

RECOMMENDATIONS

- In the achievement of constructive discussion, documentation should be disseminated to participants prior to awareness session. It was posited that such measures would enhance stakeholder's knowledge on EU FLEGT and Guyana's VPA progress and will consequently lead to a more participative process.
- The VPA should be designed in a manner that promotes practicality, assures legality and is informed by stakeholder input.
- Improved participation from the National Technical Working Group at sessions.

NEXT STEPS

- Publication of Awareness Sessions report - After approval at the National Technical Working Group, the report will be published.
- Discussion at the National Technical Working Group Level – These discussions will analyse the outcome of the Sessions. Recommendations made during these sessions will be considered for implementation.
- Further consultation on the Legality Definition – This will be undertaken with the different stakeholders groups to ensure that the Legality Definition is informed and formulated using a participative approach.
- Follow-up with representatives from the indigenous communities and associations who were selected to foster awareness on the progress of the FLEGT VPA process and provide feedback to the FLEGT Secretariat.

ANNEXES

LIST OF PARTICIPANTS - ESSEQUIBO

No.	Name	Company/Organization/ Community
1	Cristopher Matorah	Aurora Small Loggers Association
2	Nalini Sookram	Burabaro Small Loggers Association
3	Venessa D'Aguiar	New Haven Siriki Sand Association
4	Ralph Hendricks	CVC State Forest Permission
5	Dennis Richards	Wakapoa Village Council
6	Leo Gomes	Mainstay Loggers association
7	James Thomas	Thomas Enterprise
8	Wesley Thomas	Thomas Enterprise
9	Nolan Marslow	Bethany Village Council
10	Dwarka Persaud	UPCLA
11	Rudolph Wilson	Akawani Village Council
12	Wazeer Latiff	EKDA SFP
13	Lalita Bissessar	BSLA
14	Sukrajie Persaud	Upper Pomeroon Chain Saw Logging Association
15	Sumintra Ruffino	Upper Pomeroon Chain Saw Logging Association
16	Neeta Rampersaud	RPLA
17	Bibi Azim	Abdool Jamiel Azim
18	Adam Calistro	Kabakaburi Village Council
19	Shane Jaimangal	Nandkishore Singh Lumber Yard
20	Hardeen Roopchand	ASLA
21	Gadunauth Madhoo	ASLA
22	Barabara Richards	BSLA
23	Sattie Durga	BSLA
24	Moses Kallawan	UPCLA
25	Harvey Ruffino	
26	Shevon Federicks	GHSSLA
27	Mona Federicks	GHSSLA
28	Sita Insanally	M. Insanally SFP
29	Perman Saichara	P. Saichara
30	Carol Benjamin	Kiln Drying Association
31	Raymond Azeez	CCYDLC
32	Satyand Persaud	CCYDLC
33	Michael Lowe	Michael Lowe SFP
34	Irene Ramkission	Supernaam Fairfield SLA
35	Kenrick Lewis	

Kwakwani

No.	Name	Company/Organization/ Community
1	Melissa Joseph	
2	Marisa Edwards	
3	Kenita Pollard	
4	Troy Marshal	
5	Pamela John	UBFAPA
6	Alexandra Leca	
7	Julis Shakespeare	KNRO
8	Sonia Yansen	KNRO
9	Rayburn Allen	UBFAPA
10	Alphonso Fredericks	UBFAPA
11	Shaundell	
12	T. Joaquin	UBFAPA
13	Sherry Wilson	UBFAPA
14	Susan Gonsalves	UBFAPA
15	Kes Campbell	KNRO
16	Wilbert Marshall	UBFAPA
17	Tenisha Rogers	Kwakwani Empowerment Centre
18	Ambra Rogers	Kwakwani Empowerment Centre
19	Alimah Beresford	Kwakwani Empowerment Centre
20	Ian Sampson	Kwakwani Empowerment Centre
21	Subrina Britton	Kwakwani Empowerment Centre
22	Synika Rockliffe	Kwakwani Empowerment Centre
23	Shavany Melville	Kwakwani Empowerment Centre
24	Shem Khan	Kwakwani Empowerment Centre
25	Travis Harris	Kwakwani Empowerment Centre
26	Dianna Dryden	Kwakwani Empowerment Centre
27	Dwayanasha	Kwakwani Empowerment Centre
28	William Abrams	Kwakwani Empowerment Centre
29	Althea Savens	UBFAPA
30	Sheneza Mohamed	Kwakwani Empowerment Centre
31	Weine Daly	
32	Viola Allicock	UNFAPA
33	Victor Walker	Hururu Village Council
34	Charles Swaving	Hururu FAPA
35	Vincent Bartrum	SFP
36	Lisa David	KNRO
37	Wilbert Marshal	UBFAPA
38	Fedroy Stanton	UBFAPA
39	John	Mara Association