

EU FOREST LAW ENFORCEMENT GOVERNANCE AND TRADE

GUYANA'S VPA PROCESS

Stakeholder Session on FLEGT in Region Seven
Kaikan and Kamarang

Report

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Prepared by: Guyana Forestry Commission (FLEGT Secretariat)

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Introduction

Consultations on the EU FLEGT process continued in Region Seven in an effort to be able to reach all stakeholders in this first round of national consultations following the formal commencements of negotiations. Though not involved in commercial logging, there are various levels of logging activities which take place at the community level in various communities.

A similar approach to the consultation process was used in keeping with what was done in other regions in Guyana i.e. a cluster based approach was used. However, there were provisions made for more community members from the host community to attend the sessions. The sessions were organised in four communities and there were two teams which were set up to conduct the sessions in these locations.

Because of the nature of the terrain of this region, careful planning had to be done to ensure that all communities were able to be present at the sessions. Cost was also another factor which needed to be considered as most items are flown into the region and this makes the cost of basic items very high.

Because of the language differences, efforts were made to ensure that the sessions were translated into the local dialect. This fostered an easier flow of information though sometimes made the process slower than when one language is used. Translators were used from within communities and this ensured that the local issues were also easily brought to the table.

Session one was held in Kaikan, Region Seven and was attended by fifty one persons from two communities and the second session was held in Kamarang, Region Seven and was attended by forty three persons from five communities.

Objectives

These sessions sought to

1. Ensure that participants were aware of what the EU FLEGT programme seeks to do at the national level.
2. Ensure that participants who were aware of the programme were updated on the progress of the programme since its formal commencement.
3. Receive feedback on various aspects of the VPA and more specifically the product scope and the Legality Definition.

Each consultation session lasted one day and was divided into three smaller sessions with specific aims. These smaller sessions were able to be more direct on specific aspects of the VPA.

Once the formal aspect of the session was complete, there was a more informal discussion session. These discussion sessions proved very interactive and were invaluable at clarifying various aspects of the VPA process.

Presentations and information shared

There were a series of three presentations carried out during the course of the day and each lasted approximately 20 minutes. After each presentation, there were discussions on what was presented, first for clarity and then for content and what the implications were for communities both locally and nationally.

The first presentation focussed on gaining a better understanding of FLEGT and the second focussed on updating what Guyana had done to date in this regard. Having completed these, the Legality Definition was discussed. More emphasis was placed on fostering a better understanding of what the LD seeks to do and how it is made up rather than having direct feedback; although there was some. It was felt that once the participants understood the definition, making inputs at a later stage would be much easier.

Communication and the best methods for communities were also discussed. Participants were indicative of what they felt were the best methods for communication and what works for them in their unique situations.

Discussions

There were a number of discussions which were carried out once the presentations were completed. These discussions are noteworthy and will be presented below as per community.

Session 1 – Kaikan and Arau

The community of Kaikan, though willing to listen to what we had to say, had some members who were not very satisfied with the fact that the team was there. It was said that the team was fooling people as others before and results in unfulfilled promises. Some have even said that no one ever visits Kaikan to discuss these issues to elicit their input.

It was mentioned by some members that Kaikan is independent and will continue to be so and does not need any help from outside.

The toshao however pointed out that he was glad that the team was there and trusts that there will be more visits on the topic in the future

What is illegal logging, since I thought Guyana was doing legal logging all the time?

- The idea is not that Guyana is doing illegal logging but there is now a need for us to prove to the buyer that our systems provide for legal timber to be produced and consistently so. Legal simply means coming up with the guidelines which we will follow to demonstrate legality.
1. *Communities have to come up with the guidelines and rules for legal logging but since we are not involved in logging will be affected in the future if we do decide to do logging?*
 - Yes, you will be affected if you decide to do legal logging but it must be noted that you now have an opportunity to better understand the process and have a say in what the agreement contains.
 2. *When we decide to do logging, will our guidelines be added to the agreement?*
 - The guidelines which are being agreed upon will form the basis for the agreement. However, a clause which allows for changes to be made to the agreement will be included. The timing at which this can happen is still to be determined.
 3. *How is this connected to the LCDS? The LCDS said that we should not cut trees and here you are now encouraging us to cut trees? What is really going on?*
 - The aim of the FLEGT and the LCDS are quite related. The LCDS never said that you should not cut trees and the FLEGT does say that you should. All the FLEGT is saying is that if you cut for commercial purposes, there is a system which allows you to trace the tree, once felled, all the way to the market.
 - Many persons also think that current harvesting practices are allowed to happen in any fashion, but this is not so. The current system ensures that only certain trees are felled within the State Lands over a period of time which allows for regeneration of the forest. Of course this is not controlled with titled lands since they have the right to their own private forests.
 4. *Will there be other workshops of this nature to talk about FLEGT?*
 - These sessions are the beginning of more to come. The idea is that as the VPA progresses, consultation sessions will be held to update stakeholders and get their input as well
 5. *Are other groups targeted with these sessions or just indigenous communities?*
 - All stakeholders are involved in this process. In fact, there are some groups who may not be directly involved in commercial logging, but there is a need for them to be aware of the FLEGT VPA process and be given a chance to air their concerns.
 6. *Are the exports to Europe more than to other countries; we are putting so much into FLEGT?*

- Exports to Europe are in fact quite small; however, we should not only see FLEGT as giving us access to a market but also see FLEGT as a way of improving the local systems which are in place for traceability. FLEGT will also cause us to be recognised on the international scene for having credible, verified systems for legality.
 - The link between markets around the world also means that other non-FLEGT countries will shortly begin to ask for FLEGT licenses since many countries, such as China, are exporting further to the EU.
7. *Many of our communities are still in the process of extensions; will this affect the way FLEGT happens in these communities?*
- Since FLEGT deals with legal origin and traceability, the arrangement will be affected. Produce coming from these areas which are still to be sorted out (titled) may not be allowed to enter the supply chain.
8. *When something becomes law, it will affect everybody and since FLEGT will become law then it will affect us. We need more time and more consultation sessions to understand and make inputs.*
- Yes it does become law but it will affect those communities first of all that are involved in commercial logging since these are the ones that will have produce which enters the supply chain. Currently, your communities are not involved in commercial logging and will therefore not be affected. There will be changes to the systems which will take effect once you decide to harvest commercially.
9. *Guyana seems to be having (contradicting aims) two lovers; one to cut and export (FLEGT VPA) and the other to conserve (LCDS) and she is trying to please both lovers. How can this be?*
- You have to see the LCDS and the VPA as working towards the same goals. The VPA will improve the systems on the ground for us as a country. Additionally, the LCDS never said “don’t cut” and FLEGT never said “cut”. FLEGT is about traceability and the LCDS is about harvesting in a sustainable manner, not about not harvesting at all. As a country we have always been involved in sustainable forest utilization. Harvesting must continue.
10. *Is this one of those agreements where you come here and tell us some things which you have already agreed on?*
- No agreement has been reached. All we have agreed to do is to start talking formally. What the agreement will contain is still to be determined and for this we need the inputs from stakeholders.
 - All the documents which you now have are in the draft stages.
11. *Does the GFC have a system in place to check logs thoroughly?*
- The GFC’s system are able to check the source of all logs and the system of inspections allows for the quality of the produce to be determined since the buyer

has to have produce of a specified quality. GFC is able to check the logs from the stump all the way to the market. Of course, once the inspections are done, there are some aspects which the Guyana Revenue Authority has to check as well before exportation.

12. *What happens once this session is completed; many come and speak and never return.*

- This is the first of many meetings to follow. As the VPA progresses there will be visits made to the communities to provide updates. These are, of course, dependent on a number of factors such as finances.
- There will be a report from this session which will be tabled at the NTWG and this report will then be made public and you will also receive a copy. The report will also be placed on the internet.

13. *Why are lands not 'held up' if there are issues surrounding them? There are some lands which are in the court for mining activities being carried out on them and whether or not they have the right to do so? What needs to happen is that activities on these lands need to be stopped until the court makes a decision.*

14. *Why does the GFC allow the mining communities to continue to mine in certain areas?*

- The GFC has jurisdiction to speak on forestry matters and not mining.

Other issues discussed

It was mentioned that the GFC's presence comes after the negotiation have commenced and certain decisions taken and now the people are being asked for their input; these are the kinds of things which always happen. It was pointed out by the GFC representative that there are no agreed positions yet and that all documentation is in the draft format for input from stakeholders. When inputs are received, changes will be made and feedback given to all stakeholders.

Communication

The community members were very happy with the team being present and suggested that as it relates to further communication the best method would be to follow the same pattern. The benefit of this method, they added, is that it allows for persons to ask questions and feedback be given immediately.

Additionally, there was the option of persons being trained on FLEGT from each community. Once training has been completed, trained persons can return to the respective communities and provide all the relevant updates on FLEGT. This can be done continually and so communities are always kept abreast of what is happening at the national and international levels.

It was pointed out to the communities that there will be documents, flyers, brochures etc. which are developed over time and these will be shared with the communities as well.

Session 2- Kamarang, Warawatta, Waramadong, Kako and Phillipai

The second session held in Kamarang did allow for a lot interaction as happened with the first. There were a few more participants than was expected, especially from the host community but this was a welcomed change.

The session followed the same pattern as the first though there were more questions along the way. Many of the questions and concerns were similar to the other session in Kaikan. Those questions and discussions which were different are mentioned below.

1. *Will products such as a piece of craft made out of Leopard wood be covered under this agreement and be allowed to enter Europe?*
 - This agreement does not stop any product from going to Europe. However, not all the products currently listed will be covered under the VPA. It was posited that since the products, which are covered, have to be traced to the stump, some products will be far more difficult than others.
 - The craft industry usually uses pieces of wood from many different sources and these pose quite a challenge to determine exactly where they are coming from.
 - It should also be noted that though not on the list of products, it is still covered under the EUTR; a buyer, seller arrangement.
 - There will be a 'revision clause' in the agreement, so if there is a need to add something after a few years, this would be possible.
2. *What is a VPA and why are we now talking about legal? Are we saying that all the time the produce was illegal?*
 - No. The produce was always legal. However, because of what is happening internationally with illegal logging, the EU required a system be in place in 'producer countries' to ensure legality is happening. These rules for legality are determined by the country with whom the EU is signing and not the EU. Of course there are some elements in the agreement which we will need to discuss further.
3. *If other areas pop up later, will we be expected to change to suit these as well?*
 - The agreement is binding and if there are changes which are needed, these can only be done by agreement between the EU and Guyana; it is not something which can just be changed in a moment.
4. *There are certain areas of the Forest Act which need to be taken into consideration before logging can take place, can we therefore have copies of the Act to ensure there is full understanding?*
 - The Forest Act can easily be sent to you. Additionally, there is room for training on specific forest activities and procedures and if a community wishes, they can invite the GFC to carry out these trainings and capacity building sessions on forest logging.

- It should be noted also that titled indigenous areas are considered as private lands and therefore the Village Councils have the full authority to determine how logging is carried out within these areas. The Codes of Practices and so forth are only adhered to, based on the community's preference.
5. *You speak about Amerindian Villages and Amerindian Communities. Since Villages are the ones which are titled, then all communities will be left out in this agreement?*
 - The areas where the timber is originating must be established as clearly belonging to someone under the law, thus giving them legal rights to harvest. If this is not the case, then the timber may not be recognised as legal.
 - FLEGT however, has a governance component which in many ways seeks to ensure that these types of issues are sorted out before the agreement is signed; the same is expected to happen in the Guyana's situation.
 6. *It seems that the government is interested in the upper Mazaruni for other reasons, one such reason being the hydro project. So you are here to tell us to cut and sell to Europe and once we are done cutting all the trees, then there will be no reason why we cannot give up our lands for the project?*
 - No, this is not the case. FLEGT of the VPA never says that anybody has to cut any tree, the decision rests with the community or region; you can decide to not do any commercial harvesting. What we are saying is that once you will do commercial logging, the guidelines will need to be followed.
 7. *The NTWG, as you said, reaches monthly, but since we never see the NTC, how are the issues brought to the table at this level, what will be discussed concerning this area?*
 - It was my understanding that the NTC was designed in such a way that all the information across the country will flow upwards and the Chair would be able to represent these issues at the highest level. Based on what you are saying the logistics is one reason why this is not happening; there is not enough resources available.
 - This will therefore have to be addressed at the NTWG level to ensure it works the way it should.
 - Bear in mind also that the IPC and the MOAA are two other representatives of the indigenous people that sit on the NTWG.
 8. *Why are miners, under the agreement as stated in the LD, given the privilege to log; if they are there for the gold then that's all they should have the right to do? The law clearly states that you are only allowed to take out what permission has been for.*
 - The issue of whether or not the miner should be able to remove the lumber is one that may still need to be discussed further. The GFC/GGMC/NTWG will need to discuss this issue further since the mining activities have and will continue to have an impact on the forest.

Other issues discussed

There seems to be a need for laws to be reformed. It is clear that there are some laws which contradict each other and this will make it very difficult to come to an agreement at the national level with the indigenous community. The EPA for example has said that one mining operation should be stopped because of the pollution it is causing and the GGMC officer said that he sees no reason why it should stop.

The issue of villages as opposed to communities needs to be sorted out quickly. Again this has place many Amerindians in a position where they have to prove that they have been living in an area for a specific time period and there are a certain number of people who live within the village.

We in the Mazaruni need to have all the outstanding land issues sorted out before we willing talk about this FLEGT VPA. The fact is that once there are land issues then we are not prepared to move forward. We have brought many of these same issues up at previous workshops and still there has been no change.

It was mentioned that indigenous communities can apply for SFPs and be able to operate if they wish. This has been done by some communities who still have their own private forests.

Discussion on the Legality Definition

It should be noted that the legality definition is too much for us to understand in such a short period and we will need more time and more visits. However, there are a few changes which we see needs to be considered.

- 1. There first indicator about legal rights to harvest needs to include something about traditional land rights since some timber will come from these areas*
- 2. Additionally, maybe we should talk about the life insurance in the Legality Definition under the social aspect; who will compensate is something happens to the worker on Amerindian lands.*

Conclusion

The consultation session on the EU FLEGT programme in Region Seven was very helpful in that it was able to clarify many misconceptions about the LCDS and the programme itself. There were and still are many who view the two initiatives as opposing, when in fact one complements the other. It is also clear that there will need to be follow up sessions with these communities; this was clearly pointed out by participants. The EU FLEGT is very complex and the information has to be properly understood if the relevant feedback is to be given.

Communication in the Region Seven area is not very easy due to the terrain and the fact that there are not very many options, as with other indigenous communities. This has therefore led to requests being made for visits from the NTWG to be a key component of information dissemination as the process moves forward. The task of effective communication may need to be resolved by locals being trained then returning to their villages to educate others on FLEGT. Whatever the method, the communication question is key.

Reporting to communities the progress made with the EUFLEGT programme, in a timely manner, and obtaining their feedback will prove very useful in ensuring that the VPA is inclusive.

List of Participants (Kaikan)

No.	Name
1	DENESE BUCHANAN
2	MARLON WILLIAMS
3	TRENTON ANTHON
4	PATRICA PETERS
5	ENA JOSE
6	CATHRINE JOSE
7	JUAN JOSE
8	CLEMENT RUDDY
9	GREGORY JOSE
10	BHARIAN
11	BRIAN JAMES
12	RAPHAEL PHILLIPS
13	ROY BUCHANAN
14	VERGINA KING
15	ALEX LEWIS
16	BARROWS THOMPSON
17	WINSTON ANTHON
18	BERNARDO BUCHANAN
19	SHAMEEZA WILLIAMS
20	HENTON BROWNE
21	LUCITA KING
22	DESLYN ANTHON
23	KAREN BROWNE
24	DESIREE BROWNE
25	MARSHA LAWSON
26	RUED LAWSON

27	ROXANNE KING
28	ROYLYN ROBERTS
29	WILTON BROWNE
30	DERICK BUCHANAN
31	JULITA LAWSON
32	SHERIANN LAWSON
33	A . KING
34	DICKERSON PHILLIPS
35	CHESTER THOMPSON
36	ABEL ANTHON
37	JUAN NATHANIEL
38	ALEWES GEORGE
39	NIGEL WILLIAMS
40	R. RUDY
41	MARCELLA KING
42	IRIS PETERS
43	PASCAL FERDENANDEZ
44	MICHAEL BUCHANAN
45	NASH RUDY
46	SAMANTHA RUDY
47	LYNN RUDY
48	BENARD WILLIAMS
49	CELENA WILLIAMS
50	LEVIOUS THOMPSON
51	MOLIZA RUDY

List of Participants (Kamarang)

No.	Name	Community
1	ROY CHAMBERS	PARUIMA
2	CYRIL WILLIAMS	PARUIMA
3	TYSON MCNAUGHTON	PARUIMA
4	JIOVANNI JOHNSON	PARUIMA
5	DANIERA CHAMBERS	PARUIMA
6	JERIO KRAMMER	KAKO
7	ANDESA KASTINGS	KAKO
8	N WILLIAMS	KAKO
9	M SOCKS	KAKO
10	ANNESA ISAACKS	KAKO
11	ELMA CLASS	KAKO
12	NELLIE MENDASON	WAMARADONG
13	VAN PHILLIPAI	WAMARADONG
14	CLYDE HENRY	WAMARADONG
15	LEX THOMAS	WAMARADONG
16	DENROY THOMAS	PHILLIPAI
17	DEYON SEECGARRAND	WAMARADONG
18	ROSITA WILLIAMS	WAMARADONG
19	LENICKA ABRAMS	WAMARADONG
20	MARLYN ABRAMS	KAMARANG COMPOUND
21	MARIO HASTENGS	KAKO
22	LAZAIN BROWNE	KAMARANG VILLAGE
23	HYSLOP EDWARDS	KAMARANG
24	LUEIA MARSHALL	KAMARANG
25	EUNA PETERS	KAMARANG
26	CLIFFORD MELVILLE	KAMARANG
27	C HONOURS	KAMARANG
28	JEFFLYN MANDASON	PHILLIPAI
29	DEXTER HENRY	WAMARADONG
30	WINFORD PAUL	WAMARADONG
31	EDITH DANIELS	WAMARADONG
32	ELFORD WILLIAMS	KAM-AGRI-DEPT
33	NIXON BAPTISTE	KAM-WARRAWATTA
34	RONDELL KRAMACE	KAMARANG
35	SIFOUR ANDERSON	KAMARANG

36	JESSICA THOMAS	WAMARADONG
37	DUTCHELL ROSS	KAMARANG
38	EMRYS BAPTISTE	KAMARANG
39	BOB PETERS	KAMARANG
40	CHRISTINI GEORGE	KAMARANG
41	MALCOM GEORGE	KAMARANG COMPOUND
42	PATRICK DEORRECT	KAMWARRATTA
43	REO MELVILLE	KAM-WARRAWATTA