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THE FOREST MANAGEMENT TRUST

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**Analysis of Rainforest Alliance Report on the Verification of Progress Related to Enabling Activities for the Guyana-Norway REDD+ Agreement**

Dear Ambassador Brattskar and Ms. Whelan:

The above organizations have worked in Guyana and have followed developments there closely for the past decade, and in some instances even longer. Being familiar with the situation in Guyana and with the Norway-Guyana Memorandum of Understanding (MoU), we would like to share our analysis and concerns with the Rainforest Alliance's recent report on the Verification of Progress on Enabling Activities under the REDD+ Agreement. The objective of the brief analysis attached to this letter is to support the strengthening of the MoU and its implementation.

Our over-riding concern is that the Rainforest Alliance report does not provide an accurate picture of progress on the ground. It relies heavily on statements made by government officials and on government documents, rather than on independent verification of those statements, or on the progress of the enabling activities. This is in part due to the limitations of the field work conducted, as the team spent only one day outside of Georgetown and therefore had extremely limited exposure to input from actors in the interior of the country. Yet this is where the initiatives currently being considered by the Guyana REDD+ Investment Fund (GRIF) will have most impact. Other key concerns include:

- The report concludes with respect to some indicators that frameworks are in place and being implemented, whilst simultaneously acknowledging a lack of information on which to base an assessment.
- It presents a superficial assessment of fundamental problems relating to indigenous peoples' rights and tenure.

- It fails to accurately diagnose problems regarding public availability of information and incorrectly equates 'outreach' with 'consultation'.
- It undermines the notion of independence, by declining to either review important independent literature, or raise concerns regarding self-censorship and anonymity of persons interviewed.

Our analysis does not reflect an exhaustive analysis of the Rainforest Alliance Report, but addresses some of our main concerns. The Rainforest Alliance considers the framework for its report, issued March 10, 2011, as a working draft, and requests input to improve it<sup>i</sup>. We provide our analysis as a contribution to a strengthened verification process and future reporting.

We would be happy to discuss any point with you in more detail, and look forward to your response.

Sincerely,

Global Witness  
Forest Management Trust  
Forest Peoples Programme  
Rainforest Foundation Norway  
Rainforest Foundation UK  
Rainforest Foundation US

## Analysis of Rainforest Alliance Report on the Verification of Progress Related to Enabling Activities for the Guyana-Norway REDD+ Agreement

We welcome some important points the Report makes:

- It rightly verifies that robust safeguards are lacking in both the REDD+ process (under the World Bank-coordinated Forest Carbon Partnership Facility (FCPF) and in the President’s Low Carbon Development Strategy (LCDS) process<sup>ii</sup>, and recommends addressing the issue in future progress reports.
- It recognizes that “the reduced level of consultation in 2010 has also created uncertainty as to the state of REDD+ activities overall”<sup>iii</sup> (though as described below, it does not address serious flaws in the consultation process itself).
- It calls on the Government of Guyana (GOG) to provide clearer information to the public, an issue we and many others have brought up several times including the near-absence of response from the President’s Office of Climate Change (OCC) to questions raised during the initial consultations and questions and comments raised in the press on the OCC’s progress reports;<sup>iv</sup> the report further references the lack of provision of information on the “constraints, limitations, challenges”<sup>v</sup> related to REDD+ investments – and how the lack of information leads to uncertainty.<sup>vi</sup>
- It correctly identifies the serious disconnect between the Guyana Forestry Commission (GFC) REDD+ planning and the OCC LCDS initiative.<sup>vii</sup>

However, we are deeply concerned about a number of fundamental issues related to the Report:

- **It bases verification of compliance with enabling conditions largely on views and reports of government representatives, consultants and members of the Multi-Stakeholder Steering Committee of the LCDS.** The list of persons interviewed shows a large proportion of government officials<sup>viii</sup>, while almost half of all meetings during the verification mission were also with government (11 out of 23 meetings).<sup>ix</sup> Without going through a concerted effort to reach stakeholders who may be intimidated to come forward, this is insufficient to reflect in a balanced way the views of all stakeholders. In general, the report seems to simply tick off whether something is reported in the OCC Progress Reports, without evaluating if the entry is a meaningful activity with respect to the ‘enabler’. In several cases, government documents are cited as verification of activities undertaken, with insufficient double-checking as to whether the activities indeed took place, or achieved the desired results<sup>x</sup>. For example, the formation of committees, such as for the REDD-plus Governance Development Plan, is claimed as progress by the GOG, and Rainforest Alliance verifies the GOG assurance, but there are no public minutes to confirm that these committees have been *active*. A methodology based on obtaining, cross-checking and verifying information from multiple sources should have been utilized and rigorously applied<sup>xi</sup>.

- **There was insufficient time in the field:** the Rainforest Alliance verification process was limited due to time and funding constraints. This prevented the team from spending time in the interior and “constrained field work in the interior of Guyana necessary for more definitive review of performance related to Enabling Indicators”<sup>xii</sup>. The team spent one day visiting the Amerindian community of Saint Cuthbert and the Region 10 Forest Producer’s Association, both relatively near Georgetown. The lack of time in the interior therefore undermines the validity of the report, and contributed to the lack of stakeholder voices in it.
- **It recognizes a lack of crucial information on some indicators, yet still draws conclusions:** the Rainforest Alliance points out in several places that there is essentially no information on which to measure progress on the indicators. This is particularly true in the case of Enabling Indicator #1 (Strategic Framework), where none of the indicators on financial planning or reporting were in place<sup>xiii</sup>, and in Enabling Indicator #4 (Financial Mechanism) as funds had not been disbursed through the GRIF process at the time fieldwork was conducted. These accurate statements should not, however, lead to the report’s conclusion regarding Enabling Indicator #1 that “A strategic framework is in place and being implemented.”<sup>xiv</sup> Indeed, the fact that progress on some of the enabling indicators could not be verified due to timing or delays in funding means they should not be in the scope of the Rainforest Alliance verification report, but that they MUST be rigorously addressed in the next round of verification. Similar concerns are true for the “Opt-in” mechanism; a draft document was prepared by the OCC in March 2010, though most people have never seen it, as it has not been in the public domain.<sup>xv</sup>
- **The verification of Enabling Indicator #6 on the rights of indigenous peoples and local forest communities is deficient:** The summary analysis and assessment of this indicator do not verify whether or not rights are being respected in REDD and LCDS processes as laid out in the MoU. The verification team was expected to use ‘written records’ to assess attainment of this indicator, but does not appear to have examined independent reports that pinpoint the failure of current REDD+ or LCDS plans to uphold fundamental rights (e.g. indigenous peoples’ right to Free Prior Informed Consent (FPIC) is largely confined to titled lands, contrary to the international obligations of Guyana that it must also respect this right in relation to untitled customary lands). Problems with rights frameworks in Guyana are described in numerous documents in the public domain<sup>xvi</sup>, including on the web site of Forest Peoples Programme, and have been communicated to the World Bank, UNDP and Inter-American Development Bank, including comments on the incompatibility of national legislation with both the National Constitution and international standards. While the Rainforest Alliance report notes that “...Guyana’s policy on land rights has been criticized by the United Nations”<sup>xvii</sup> the root of this matter and Guyana’s failure to adequately safeguard indigenous peoples’ land and territorial rights are not spelled out by the verification team. The report appears to suggest incorrectly that rights are being addressed adequately, but that GOG is simply not communicating this point effectively.<sup>xviii</sup> Independent evidence shows the problems are more fundamental in nature, and require an integrated approach including legislative reform and the implementation of the long-stalled national policy on integrated land use planning.

- It fails to accurately diagnose problems regarding public availability of information:**

Although in some instances the report expresses concern about the lack of publicly available information (see above), it ‘verifies’ that key documents linked to the LCDS and Guyana-Norway MoU are ‘publicly available’, when in practice they are not readily available in the public domain in Guyana<sup>xix</sup>. Assertions by government officials that documents are ‘public’ could be cross-checked in a straightforward way by talking to people at the village level and also with organizations outside the Multi-Stakeholder Steering Committee (e.g. regarding the September 2010 draft REDD+ Governance Development Plan): auditors appear not to have carried out basic triangulation to cross-check the validity of information gathered. As the report rightly points out, the GOG relies overly on the use of websites for making information available<sup>xx</sup> but these sites give almost no information about work in progress. In addition, reports and other documents on the LCDS and GFC websites often seem to be delayed, removed, unavailable, or inaccessible. The lack of time in the interior is especially relevant here, as information that is publicly available on the internet is not actually publicly available to communities in the interior who have no access to internet, but who stand to be affected by the plans, regardless of whether they “opt-in” or not. This is a fundamental shortcoming in the verification process. In the most recent minutes (for 26 January 2011) of the Multi-Stakeholder Steering Committee, the OCC acknowledges that even some members of the committee do not understand some of the issues, despite having attended 37 meetings.
- It incorrectly equates ‘outreach’ with ‘consultation’:** The report in several places seems to treat ‘outreach’ (information sharing) with ‘consultation’ (i.e. asking people and groups for their views, if they have questions and answering those and addressing concerns). Verification has fundamentally failed to assess to what extent meaningful public multi-stakeholder consultation has taken place, if any. The report also relies heavily on the previous report by the International Institute of Environment and Development (IIED), which itself came under public scrutiny<sup>xxi</sup>. The IIED report concluded that the 2009 consultations were “preliminary” only. In Annex 1 to the IIED report, “Opinion on the participation of Indigenous Peoples in LCDS Process”, Multi-Stakeholder Steering Committee member David James stated that the 2009 consultations “could be described as part of the first stage of the FPIC process which was primarily to share information with the communities and also to receive initial feedback”. While the Rainforest Alliance report asserts that intense “stakeholder interaction” took place in 2009, there is much evidence<sup>xxii</sup> to show that effective *consultation* has not taken place so far on either REDD+ or the LCDS. The job of the auditor is to assess whether an activity has occurred or not and if it has, to determine the quality and effectiveness of the action. Again, this is where the lack of time spent in the interior of Guyana is a fundamental flaw in the report. From our experience, most local people have little or no understanding of these policies and have not been consulted. Finally, the Auditors seem to mistake the Multi-Stakeholder Steering Committee with ‘multi-stakeholder consultation’, when this body is just one mechanism for public engagement, which is in any event limited in its ability to raise criticisms (minutes of the Multi-Stakeholder Steering Committee can verify this<sup>xxiii</sup>). The report does not review the extent to which input from stakeholders has been addressed or incorporated – for example, the lack of public response from the OCC to hundreds of stakeholder questions.

- **It fails to review important independent literature and civil society documents:** The report does not cite nor list any press coverage, independent NGO reports nor reference any statements by forest users such as miners or loggers, the Amerindian Peoples Association or community leaders<sup>xxiv</sup>
- **It does not raise concerns regarding anonymity of persons interviewed:** requests for anonymity are most likely due to the lack of openness to critical questioning in Guyana, where those who do raise critiques are quite often labeled as anti-government, anti-development, and unpatriotic<sup>xxv</sup>. This obviously has a chilling effect, and it is worth noting that half of those who requested anonymity were indigenous<sup>xxvi</sup>.

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<sup>ii</sup> Rainforest Alliance (2011) *Verification of progress related to enabling activities for the Guyana-Norway REDD+ agreement*, March 10, 2011 at overall conclusions, page 4

<sup>ii</sup> *Ibid.*, Indicator #1, page 4.

<sup>iii</sup> *Ibid.* At overall conclusions, Indicator #2, page 4.

<sup>iv</sup> *Ibid.*, at Other Summary Observations, page 5.

<sup>v</sup> *Ibid.*, see Specific Observation 12-2010, page 38, for example.

<sup>vi</sup> *Ibid.*, see Indicator 1.2, pages 18 – 19.

<sup>vii</sup> *Ibid.* at Indicator 1.6, page 20 in Verification of Enabling Indicators. Indeed, a continued source of confusion, not only in Guyana, is the reference to REDD+ in different contexts. The Guyana Forestry Commission (GFC) has been involved in the World Bank-coordinated Forest Carbon Partnership Facility. In the May 2010 version of the President's Low Carbon Development Strategy (LCDS), the President's Office of Climate Change (OCC) lists GFC activities as integral to the LCDS, although the LCDS is now being portrayed as related to avoided deforestation. However, neither the GFC nor the OCC have made any explicit commitment to stabilize or reduce emissions of forest carbon.

<sup>viii</sup> *Ibid.* at section 3.5, pages 14-15

<sup>ix</sup> *Ibid.* at section 3.4, pages 13-14

<sup>x</sup> *Ibid.* - see verification of Enabling Indicators 1.4, 1.7, 2.3, and the conclusions of Indicator 2.

<sup>xi</sup> A similar methodology was recently used by the Efeca mission for USAID on timber legality verification, which may prove useful in future verification reports.

<sup>xii</sup> *Ibid.*, at Other Summary Observations OBS 6/10, page 6.

<sup>xiii</sup> *Ibid.*, Indicator 1, pages 18 – 23.

<sup>xiv</sup> *Ibid.*, page 23.

<sup>xv</sup> See Indicator 2.2, page 26, and Indicator 6.2, page 38.

<sup>xvi</sup> See for example: APA letter to NORAD, March 10, 2010; CERD recommendations on the Amerindian Act, March 21, 2006.

<sup>xvii</sup> *Ibid.* at Indicator 2.2, page 25

<sup>xviii</sup> *Ibid.* at Indicator 6.1, pages 37-38

<sup>xix</sup> Examples include the first two versions of the LCDS, four sets of MSSC minutes from 2010, the FCPF R-PIN and R-PLAN and first version of the R-PP, the Trevin/Nasi (CIFOR) and Cedergren (FAO) consultancy reports from 2009, the original McKinsey & Company report from 2008, the empty Responses page on the LCDS website.

<sup>xx</sup> *Ibid.*, see Indicator 6.1, page 38.

<sup>xxi</sup> Stabroek News, May 4, 2010. Members of the evaluation team served on government delegations to FCPF/PC4 and COP-16, and were seen as members of the government teams during consultations in the interior.

<sup>xxii</sup> For example: MSSC minutes, letters to the press, questions to the President via Global Witness and directly in the press.

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<sup>xxiii</sup> See for example the MSSC minutes from 16 March and 13 April 2010, which refer explicitly to the need for the MSSC to present a unified front in condemning the criticism raised in an APA workshop statement from March 2010, as well as the APA as a whole. However, the links on the LCDS website no longer work, further underlining the problems addressed here.

<sup>xxiv</sup> e.g. APA statements made in March 2010 in a workshop on LCDS and development planning; APA letter to NORAD, March 2010; FPP briefing of November 2009; FPP E-newsletter articles of 2010; REDD Monitor Articles; analyses by John Palmer, including Stabroek News 4 November 2010; Rainforest Foundation-UK paper on cost-curves, November 2010; and Janette Bulkan, Stabroek News on 04 May 2010.

<sup>xxv</sup> See reports, almost daily, in the Guyana press, and the reactions to the recent letter sent to Minister Erik Solheim by Guyanese academics, researchers, and politicians.

<sup>xxvi</sup> Ibid, page 14.