



**THE WORLD BANK**

## Annual Bank Conference on Land Policy and Administration

### **GOV8: The Role of Land Governance in Facilitating a Low-Carbon Development Strategy: Guyana**

**Tuesday, April 27, 2010 | 3:30-5:00PM | MC13-121**

**Session notes by Mercedes Stickler & Andrew Bishop**

Mr. Melchiade Bukuru, Chief of the UN Convention to Combat Desertification (UNCCD) Liaison Office in New York, opened the session with a discussion of the urgent need to reverse land degradation and encourage sustainable development in drylands. Mr. Bukuru noted that while 44% of agricultural activity is produced on drylands, dry and degraded land areas are also associated with extreme poverty. Mr. Bukuru emphasized that it is thus critical to address land degradation to help lift affected populations out of the poverty trap. Mr. Bukuru pointed out that the parties to the UNCCD have committed themselves to addressing land degradation and stressed that when considering possible solutions to the challenges facing drylands development, it is critical that incentives for good management decisions be included. In particular, the role of land and soil as a carbon sink should be considered in developing sustainable drylands management plans. Given the important incentives provided by reduced emissions from forest degradation and deforestation (REDD), Mr. Bukuru pointed out that the presentations of this session are therefore of great relevance to achieving good land management.

Mr. Andrew Bishop, Adviser to the President of Guyana, made the lead presentation on Guyana's Low Carbon Development Strategy. (Powerpoint available on WB website) Mr. Bishop highlighted the rationale for a low carbon development pathway and showed the link with the observed adverse effects of climate change and impacts to vulnerable and poor countries such as Guyana. He described the transparency and thoroughness of the consultation process, outlined the major elements of the strategy, and pointed out that it is not just a REDD or avoided deforestation strategy, but a comprehensive development strategy designed to allow Guyana to grow and develop and still mitigate and adapt to climate change.

Dr. Malcolm Childress, Senior Land Administration Specialist at the World Bank,, identified a number of challenges that he felt faced Guyana in implementing a REDD strategy. He referred to tenure security for Indigenous communities, citing the number of Amerindian villages which have not received titles and are not demarcated. He also cited a lack of clarity on the process for land extensions. In addition, Dr. Childress referred the problem of smaller communities that are not eligible for title. In the area of natural resources, he indicated that management plans for Amerindian forests need to be approved by the Guyana Forestry Commission, and that sub-surface rights are vested in the State and the State can override an objection by a titled Village in the granting of a mining license to an investor. He also said that the incomplete state of land use planning in Guyana presented a challenge to the implementation of REDD. Finally, Dr. Childress pointed to the lack of an integrated approach to policy making among the various land related Government agencies.

Mr. Kenneth Andrasko, Senior Methodology Specialist at the World Bank,, presented on the role of the Bank's Forest Carbon Partnership Fund (FCPF) in providing incentives for achieving low-carbon development. Mr. Andrasko described the different stages of forest degradation and later conservation typically followed by countries, called the "forest transition curve," and noted that REDD funding can be used as a bridge to alternative forest development strategies that preclude large forest losses. Mr.

Andrasko emphasized that REDD funds can play a critical role in implementing a country's long-term low carbon development strategy (LCDS) and praised Guyana as a global leader in using REDD as a platform for identifying the types of development activities that will have the highest impact on emissions reductions, on the one hand, and are also the most feasible, on the other hand. While Guyana's development strategy may have relevance for other countries with high forest cover (e.g. Suriname), he emphasized the importance of each country developing its own LCDS based on the projected emissions impact and cost efficiency of different strategies, as well as the country's governance climate and potential stakeholder engagement processes. Mr. Andrasko closed by noting the opportunity presented by these processes for addressing key land governance issues convergence of the REDD and LCDS visions

Mr. Jorge Munoz, Lead Rural Development Specialist at the World Bank, provided his reactions to the presentations. Mr. Munoz noted the global implications of the Guyana experience and the centrality of land tenure issues in designing a LCDS, but also suggested that other countries may face more challenges in implementing a LCDS compared with Guyana, whose high proportion of intact forests, low population density, and large proportion of state-owned forests (86%) create a unique platform for using REDD to implement a LCDS. Mr. Munoz emphasized that realizing the potential of REDD goes beyond LCDS as it could have significant poverty reduction impacts. He noted that there were high returns to addressing land tenure rights, in particular those related indigenous peoples' rights to subsurface minerals and forest resources, and encouraged the international community to provide long-term support to help Guyana implement its LCDS. In addition to establishing conflict resolution mechanisms early on, Mr. Munoz stressed the importance of coordinating benefit sharing; integrating high carbon activities into the national LCDS; monitoring; and financial support during the transition to a LCDS.

In the discussion that followed, Mr. Bishop clarified the following:

- The Guyana Forestry Commission has no jurisdiction over forests in Amerindian areas.
- The GLSC is, in statute and in practice, the central data land information authority, and uses the national database for integrated planning and land management purposes.
- Land use plans are not a pre-condition for REDD; Guyana is going ahead with the preparation of additional land use plans through an EU funded project.
- With respect to Indigenous land issues, Mr. Bishop clarified that 97 villages have been titled to date, and 70 have been demarcated. Out of the remaining 27, 16 have applied and are being processed. Of the other 11, 6 have gone to the Court, and 5 have refused demarcation. Because this matter is sub-judice, Guyana will await the Court decision.
- With regard to Villages not demarcated, Mr. Bishop said that Government is funding the cadastral surveys using public funds through the annual budget process, with no cost to the beneficiaries. Government does not have the resources to undertake all demarcations at one time, but there is an annual programme for demarcation, so that each year more villages are demarcated. In time all villages that are eligible and willing will be demarcated.
- With respect to criteria for extensions, Guyana uses the same procedure and criteria as spelled out in the Amerindian Act for the grant of title to State land. The Act prescribes a definite process with timelines, and applications are assessed on justified need.
- Concerning ineligible communities, the Amerindian Act provides for Community Councils to be democratically elected and for them to have the status of a Body Corporate. They can regulate and manage their resources, so that in a practical sense they have parity with titled Village Councils.
- On the matter of subsurface rights, Mr. Bishop acknowledged that while it is true that the law allows the Government to override an objection by a Village to the grant of a large scale mining license to a mining company, in reality this does not happen. The practice is that consultation takes place among the Government, the Developer and the Village; negotiations can go on for several months, at the end of which a tribute, (7% minimum) and other infrastructural and social

benefits, are agreed and enshrined in an Agreement signed by all Parties. A mandatory EIA for large scale mining also provides for consultation and mitigation of impacts. So while the State has the right to subsurface resources, in practice Government ensures that the Village enjoys rights to the minerals thru prior and informed consultation and a legal agreement for benefit sharing.

- With respect to Free Prior and Informed Consent, Mr. Bishop said that Government upholds the principle of FPIC, and that villages may opt in to a REDD mechanism or decline at their choosing – there will be no coercion. For contiguous areas that are not Amerindian lands, Government upholds free prior and informed consultation for large scale projects and for REDD. He also pointed to the establishment of a Multi Stakeholder Steering Committee and to the findings of the IIED consultation Monitor which concluded that the consultation process was transparent and inclusive.
- In closing, Mr. Bishop said that Guyana was well ahead of most countries in its modern Amerindian legislation which protects indigenous rights, including land rights. Guyana has come a far way with titling, demarcation, extension, subsurface rights and FPIC, and the REDD process cannot be held up pending the resolution of every single land issue. He said that Guyana's LCDS is a trail blazer, and hoped that it would attract positive incentives and prove to be a model for the rest of the world.

With regard to REDD readiness and implementation, Mr. Andrasko clarified that:

- REDD readiness was gauged based on a country's expressed interest in participating in the FCPF through the submission of an application ahead of the established deadline.
- It is critical to understand the institutional arrangements of REDD contracts and to evaluate how these empower local communities to negotiate with investors and create benefits for both parties.

With regard to land tenure rights in Guyana, Mr. Childress clarified that:

- State ownership is predominant over much of the country; whereas Amerindians hold title to some 14% of the country's surface area. Only about 10 Amerindian communities have not yet received title to their land, although there are some splinter groups which may in future be eligible for titling based on their population size and length of tenure as regulated by law.
- Subsoil mineral assets, however, remain state property. There is some overlap with Amerindian lands, and the Government of Guyana is working to manage these areas in a sustainable way.

With regard to the design of a LCDS, Mr. Munoz clarified that:

- Recognizing and enforcing local land rights are critical for implementing a LCDS because they imply that these individuals will have a stake in development outcomes. Financial incentives are equally critical for influencing behavior changes. It is also important to empower local institutional modalities that are capable of addressing the local situation rather than importing a "blue print" for LCDS to all countries.

The chair closed the session by emphasizing the importance of local incentives to encourage populations to engage in REDD activities, as well as in adaptation and mitigation to climate change more broadly. Given the importance of drylands to agricultural production, he challenged the participants to consider how best to engage peoples living in dry and degraded areas in development activities. Finally, he encouraged the participants to consider how Guyana's positive experience can be replicated elsewhere.