



AMERINDIAN PEOPLES ASSOCIATION

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Dear Ms. Nazareth, Governing Board, and distinguished advisers and experts,

The Amerindian Peoples Association (APA) welcomes the work of the Integrity Council to elevate the integrity of carbon credits in the voluntary carbon market. The Amerindian Peoples Association has a three-decade track record of advocating for Indigenous peoples' rights in Guyana, comprising members from communities throughout the country.

Over the past two years, the APA has voiced concerns of indigenous peoples in the developments of the first jurisdictional REDD+ program receiving carbon credits under ART, taking place in Guyana, including through the first test of ART's grievance mechanism. Prior to this time period on the carbon credits programme, the APA has participated in various forums on REDD+ advocating for Indigenous Peoples to be central to policy and programme development and to have effective rights protections enshrined in legislative reform which is still to take place.

We wish to share our experience with the ICVCM community as the Board assesses ART for adherence to the Core Carbon Principles, and as members of the Continuous Improvement Work Programs on social safeguards and the oversight of validation and verification bodies to strengthen the protections for indigenous peoples' rights in the next iteration of the Assessment Framework.

As detailed in a case study we published on the ART program in Guyana, we found critical shortcomings and lessons learned in ART's program and procedures to meet their own TREES standard, as well as those of the validation and verification body (VVB) in meeting ART's Validation and Verification standard, both of which are meant to uphold ART's immutable principles, including "ensuring the recognition, respect, protection and fulfilment of the rights of Indigenous Peoples and local communities."

The rights violations documented in this case include:

- ***The failure to respect indigenous peoples' land rights***, as reflected in Guyana's national legal framework and affirmed by multiple international human rights bodies; ongoing land rights violations; delays on justice on cases concerning land rights violations in the courts; delays in existing land title and title extension petitions; and usurpation of carbon rights on indigenous peoples' traditional lands;
- ***The failure to respect indigenous peoples' participation rights***, including insufficient information sharing that lacked culturally appropriate formats; inadequacy of materials shared in providing information on risks, disadvantages, or alternatives; and lack of consultation, while failing to identify the legitimate authority of indigenous peoples in Guyana to provide FPIC (which rests under national law with village councils);



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- **The failure to respect indigenous peoples' right to benefit sharing**, by which the Government of Guyana's stated benefit sharing plan was not developed in consultation with indigenous peoples and only allows indigenous villages to retroactively opt-in to receiving benefits from the sale of credits, denying them their rights to withhold participation of their lands in the program.

Key takeaways, taken directly from this report, are as follows:

1. **Carbon credit certification standards should require participants to demonstrate compliance with international human rights standards.** Although TREES incorporates the Cancún Safeguards, ART's standard still falls short of international human rights standards in a few ways. For one, TREES does not require compliance with its safeguard outcome indicators until after the first five years of a government's participation in the program. More importantly, neither TREES nor ART's guidance on validation and verification offer any systematic mechanism to evaluate and ensure compliance with the safeguards, which is primarily achieved through self-reporting. In Guyana's case, the GoG's Concept reported that it had already achieved conformance with all structure, process, and outcome indicators of all of the TREES safeguards. Yet it is well-documented, including by UN human rights bodies, that there are many ongoing indigenous peoples' rights violations in Guyana and that the national legal framework governing indigenous peoples' rights is deficient. Although the APA pointed this out to the VVB and to ART, the latter nonetheless certified the GoG as being in compliance with the TREES safeguards.
2. **Validation and verification of compliance with a certification standard must not rely on government self-reporting.** As currently structured, ART's mechanism relies heavily on government self-reporting against the TREES safeguards. In fact, ART's Validation and Verification Standard only asks that the VVB evaluate the descriptions the government provides in its TREES registration documents. ART requires that the VVB assess whether the government has described ownership rights to ERRs but does not require the VVB to validate or assess the legality of the claims to the credits. Similarly, the VVB is only required to evaluate the environmental and social safeguard structure, process, and outcome indicators against the description and evidence provided by the government itself. For outcome indicators, ART does not actually require evidence that outcomes have been achieved at any point; rather, it merely requires after the first five years of participation in the program that the outcomes are being monitored and that there are "stepwise improvements" in outcomes defined by the government itself.
3. **Validation and verification of compliance with a certification standard should employ experts in indigenous peoples' rights and experts in the relevant national context, and consult affected indigenous peoples, so that VVBs can assess whether any claims of respect for indigenous land tenure rights and FPIC rights are legitimate.** It is critical that the validation and verification team include experts who can properly assess the



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relevant government's claims against the realities on the ground. In what strongly appears to be the lack of knowledge of the national legal framework in Guyana which does not recognise and protect Indigenous Peoples customary tenure systems, together with the lack of knowledge of indigenous peoples' customary tenure systems in Guyana, resulted in an acceptance of the NTC's endorsement of the LCDS in Guyana as proof of FPIC for the inclusion of indigenous lands in the program and a transfer of rights to ERRs. An expert with knowledge of indigenous peoples' rights and the national context would have understood, among other issues, that securing an endorsement from the NTC was not the same as securing FPIC from each indigenous people and village affected by the program. Consultation with affected indigenous peoples is also necessary for this purpose. As noted above, VVBs cannot rely predominantly on government self-reporting, but must triangulate information obtained from a national-level engagement with rights-holders themselves as well as third-party sources, such as international human rights bodies or NGO reports.

4. ***Carbon credit certification schemes should have grievance mechanisms that meet the internationally accepted criteria for non-State-based grievance mechanisms.*** Carbon credit certification bodies are actors to which international human rights standards such as the UNGPs apply. They should have grievance mechanisms that meet minimum international standards, to enable an avenue for access to justice for aggrieved rights-holders. The defects in ART's grievance mechanism undermine the entire certification system. ART's handling of the APA's complaint and appeal showcased its lack of real commitment to upholding respect for indigenous peoples' rights, as well as its lack of understanding of its own human rights responsibilities. A high-integrity certification scheme cannot be credible without having in place a robust grievance mechanism that can properly address complaints of non-compliance with its standard.

For ease of access, we attach the case study to this submission, and welcome your full review of the issues reported and documented by indigenous peoples across Guyana concerning ART's program in our country.

We appreciate your consideration of these contributions. We remain at your disposal for any further consultation or discussion on how our experiences should raise the bar for social integrity in the voluntary carbon market.

Best regards,
Nicholas Peters,
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Amerindian Peoples Association