



**AMERINDIAN PEOPLES ASSOCIATION**  
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**Presentation to the Inter-American Commission on Human Rights on Carbon Credits and Indigenous Peoples Rights**

**February 28th, 2024 | Washington DC, USA.**

**Speakers:**

- 1. Mr Lakhram Bhagirat, Communications and Visibility Officer, APA**
- 2. Mr Mario Hastings, Chairman, Upper Mazaruni District Council & Toshao, Kako Village.**

**Introduction:**

Good afternoon, my name is Lakhram Bhagirat, and I am from the Amerindian Peoples Association (APA) Guyana.

The Guyana delegation will be sharing our experiences with carbon market developments in our country. In December 2022, a private US-based carbon credit certification body called ART – the Architecture for REDD+ Transactions – certified 33.47 million carbon credits to the Government of Guyana. These are the first jurisdictional REDD+ carbon credits to be issued in the world for sale in the voluntary carbon market. These credits were generated from forests in Guyana, including all forests on Indigenous Peoples' titled and customary lands. The day after the certification was announced, the government signed a deal to sell 37.5 million credits to Hess Oil. All of this was done without respecting the rights of indigenous peoples.

We just learned today that ART has now issued a further 7.14 million carbon credits to Guyana for the year 2021. In its announcement today, ART claims that Indigenous peoples were consulted on the Government's REDD+ initiative and are benefitting from it.

**[I am now handing over to Mr. Mario Hastings to speak about community experiences with this carbon scheme.]**

**Toshao Mario Hastings on Community Experiences with Guyana's Carbon Market Scheme:**

My name is Mario Hastings. I am Akawaio from Kako Village in the Upper Mazaruni, Guyana. I am Toshao of my village. I will share our experience with the carbon trading scheme in Guyana.

As my colleague said, the Government got carbon credits coming from Indigenous peoples' lands certified by ART. The Government says it did consultations with Indigenous communities about this. But the meetings that the Government calls consultations were not consultations and so there was no FPIC. We did not receive sufficient information.

Our people still have many questions and concerns about carbon credits and markets and what they mean for our lands, our livelihoods, our cultures, and our rights.



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The Government says that indigenous peoples agreed to their plan to sell carbon credits because the National Tshaos Council – NTC – endorsed the plan. The NTC is a national body of indigenous village leaders. It has advisory functions only. I am a member of the NTC executive committee. The Government tries to say that the NTC is the only legitimate representative of indigenous peoples, but that is not true. We have the right to decide how we want to make our collective decisions and we have the right to choose our representatives. The NTC has not been chosen by our villages to represent them and make decisions on their behalf on this matter.

We at the NTC were presented with a resolution to endorse the Government's carbon program, but we did not have an opportunity to understand and talk about it and to take it back to our communities to discuss what it means to them and to hear their views. It is wrong to say that all indigenous leaders in Guyana agreed to sell carbon from all our forests, or even that all indigenous leaders participated in the decision.

The Government also says that it is respecting our rights because it has a benefit-sharing plan. But there was no FPIC for this.

Our communities did not get a chance to help design this benefit-sharing plan and tell the Government what we consider appropriate compensation for having all our forests included in the national carbon scheme.

Even if some people are happy to receive some money from the carbon credits sale, we still don't know what the risks are for us.

Finally, we have not seen any proof that selling carbon is helping Mother Earth. Even though the Government is selling carbon credits and promising to keep the trees standing, the Government continues to give out mining concessions without caring about the destruction of our forests. For example, my village of Kako is covered with mining concessions. We have a land title, but the Government refuses to acknowledge that the title exists. And the Government is now doing oil drilling and polluting the climate.

In all these ways, our rights have not been respected and protected in this carbon credit process. The true solution to the climate crisis is to recognize that indigenous peoples are the owners and stewards of our lands and forests. Thank you for listening.

### **APA's presentation:**

You have now heard about how indigenous peoples' rights were not respected in the national REDD+ program in Guyana.

This was why the APA filed an official complaint to ART in March 2023.

Unfortunately, ART did not address the substance of our complaint, which was that ART certified credits to Guyana despite violations of indigenous peoples' rights in our country and the lack of effective consultations with indigenous peoples as the owners of the lands and forests.

ART dismissed the complaint in May 2023.

APA filed an appeal in June 2023. ART asked us to sign terms of reference for the appeal that would have made it all but impossible to expect a fair outcome. We made suggestions based on international standards for grievance mechanisms to improve the process. But



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ART refused our suggestions and dismissed the appeal when we explained that we could not agree to an illegitimate process. ART even claimed that the standards for grievance mechanisms do not apply to it.

The case that we have presented serves as a warning that must inform global efforts to move away from the destruction of our nature and climate and towards just and sustainable societies:

It shows that one of the leading jurisdictional REDD+ certification schemes - one that promotes itself as a model for high integrity, by aligning with the UNFCCC Cancun Safeguards and international human rights law - has facilitated the sale of carbon credits which are generated in violation of the rights of indigenous peoples.

It shows that ART failed to act on information about rights violations during the validation and verification process that led to the certification of credits.

It shows that ART failed to engage in good faith with information about problems with Guyana's jurisdictional REDD+ program that were presented to it, especially during the complaint and subsequent appeal processes. The first test in the world of ART's grievance mechanism shows that it fails to implement the UN Guiding Principles on Business and Human Rights criteria for non-state grievance mechanisms. And it failed to lead to outcomes aligned with international human rights law.

The world should learn an important lesson from this case that private, self-selected, and self-regulating bodies such as ART cannot be left to enforce compliance with a standard that speaks about human rights without sufficient expertise or oversight to ensure that those human rights are respected in practice. To do otherwise—to recognize indigenous peoples' rights in word but not in practice—is to render meaningless the very rights these bodies claim to uphold.

Thank you and I now hand you over to the Colombian delegation.

**-End-**