

AIDE MÉMOIRE

European Union Forest Law Enforcement, Governance and Trade (FLEGT) Voluntary Partnership Agreement (VPA) between the European Union and Guyana

Second meeting of the Pre-Joint Monitoring and Review Committee (JMRC)

27 October 2022, Georgetown, Guyana

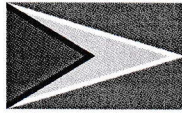
1. The Pre-Joint Monitoring and Review Committee (Pre-JMRC) was convened on 27 October 2022 in Georgetown, Guyana. This second meeting of the Pre-JMRC of the Guyana-European Union Forest Law Enforcement, Governance and Trade (FLEGT) Voluntary Partnership Agreement (VPA), was chaired by the Hon. Vickram Bharrat, Minister of Natural Resources of Guyana, and the Ambassador of the European Union (EU) to Guyana, Rene van Nes represented by Mr. Joan Nadal Sastre, Head of Cooperation of the European Union Delegation to Guyana. A list of participants is present in Annex I.
2. This Pre-JMRC was preceded by technical sessions held on 25 and 26 October between the EU and Guyana (hereinafter called 'the Parties'), and with the participation of the VPA stakeholders. The content and conclusions of these technical sessions are captured in this Aide Mémoire.
3. The Parties committed to making public this Aide Mémoire and the presentations made at the technical sessions.
4. Mr. Joan Nadal Sastre, Head of Cooperation of the European Union Delegation to Guyana, representing Ambassador Rene van Nes, and Hon. Minister Bharrat welcomed all present and delivered opening remarks.
5. The Parties agreed on the Agenda of the meeting and on the drafting of this Aide Mémoire of the second Pre-JMRC.

Updates on the VPA signature and ratification process

6. The EU presented an indicative timeline of the VPA signature and ratification process and outlined next steps.
7. Guyana clarified that the signature and ratification process should not take more than two months and that both Cabinet and Opposition Parties were briefed and have endorsed the VPA.

The Parties agreed on the following:

1. Guyana will send a letter to the EU Ambassador indicating its interest to sign at COP 15 in Montreal in December 2022. The EU Delegation will then forward said letter to the European Commission in Brussels.



2. After signature, the ratification process will be concluded by each Party, followed by entry into force which can be expected as of 1 May 2023.
3. The technical sessions of the first JMRC are tentatively scheduled for 15-16 May 2023 and the political session for 17 May 2023.

Status update of the Rules of Procedure and Rules of Arbitration

8. A discussion on the process of adoption of the JMRC Rules of Procedure and Rules of Arbitration took place between the Parties.

The Parties agreed to the following:

4. The Parties will present final drafts of the Rules of Procedure and Rules of Arbitration to the first JMRC with recommendation for adoption.

Discussion on JMRC communication

9. The VPA Africa-Latin America (ALA) Facility presented suggestions for the development of a communication toolkit for the JMRC.

The Parties agreed that:

5. A working team with representation from both Parties will be identified to develop a draft of a communication tool kit for the JMRC by the end of 2022 to be reviewed by the Parties.
6. The working team will endeavour to develop a final draft for adoption by the first JMRC.

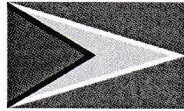
Discussion on the EU Regulation on Deforestation-Free Products

10. The EU presented an update on the EU Regulation on Deforestation-Free Products and outlined the next steps and timeline for adoption. The regulation is now being discussed within the EU, a process which is expected to end in Q1 2023.
11. The EU clarified that the exact impact on Guyana and the VPA is currently difficult to gauge. However, Guyana's low deforestation rate and its robust timber legality framework may offset any potential negative impacts. The VPA continues to be a strong instrument for demonstrating timber compliance, thereby constituting a vantage point for the country.
12. Guyana emphasised the need for partners to respect the national prerogative to promote and facilitate trade and exports.

The Parties agreed that:

7. The EU will inform Guyana when further updates on the EU Regulation on Deforestation-Free Products become available.

Handwritten signature



Discussion on the strategy for coordinating between GTLAS agencies and within the GFC

13. The EU requested clarification on the establishment of the Government Coordination Body (GCB), including on the inclusion of the Ministry of Finance, and on the capacity of the GTLAS Ministries and agencies to coordinate and execute their mandates.
14. Guyana indicated that the Ministry of Natural Resources is committed to completing this task at the earliest possible opportunity. Guyana also made the following observations:
 - The GTLAS agencies remain committed to and supportive of the VPA implementation
 - The establishment of the GCB is critical to enhance coordination among GTLAS agencies and prevent potential bottlenecks to VPA implementation
 - The VPA cannot rely entirely on donor funding. GTLAS agencies have been requested to provide budgets for the VPA as of 2024.

The Parties agreed that:

8. Guyana will inform the EU on any updates on the creation of the GCB and strengthening of capacity, including financial, of GTLAS Ministries and agencies to fulfill their mandates.

Discussion on Guyana's financial contribution to VPA implementation

15. The EU outlined its financial support to the VPA implementation which will total approx. EUR 5 million over the coming years, and requested an update on Guyana's financial contribution to the VPA.
16. Guyana stated that it remains financially committed to the VPA implementation and has contributed USD 1.2 million from 2019-2022 to the GFC and FLEGT Secretariat for activities directly linked to pre-implementation. Approximately another USD 1.2 million will be committed from 2022-2024 to support the continued work of the MRVS and other GFC FLEGT related activities.
17. The EU clarified that in other VPA countries the partner country is responsible for appointing the Independent Auditor. This is also stipulated in the EU-Guyana VPA.

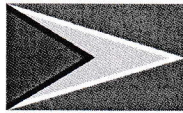
Discussion on the workplan for VPA implementation

18. Guyana presented the workplan (previously *JIF monitoring tool*) covering implementation actions until the end of 2023.

The Parties agreed to the following:

9. This workplan was adopted
10. The workplan is a living document and updates will be presented at every monthly bilateral meeting between the Parties. The updated version will be shared in advance of these meetings.

Handwritten signature/initials



Discussion on JIF funding programmes

AFD-EU FLEGT Programme

19. AFD presented an update on the AFD EU FLEGT programme, outlining timelines, budget and next steps for the priorities agreed upon by the Parties (details are provided in annex).
20. AFD also presented, based on inputs from Guyana, additional priorities for the institutional support component of the AFD programme. Timelines, budget and next steps were captured in this presentation (see annex).

The Parties agreed to the following next steps:

11. The AFD EU FLEGT programme will commence coordinating the three priority areas identified (see further details in presentation annexed).
12. That all activities linked to the Amerindian traditional rights definition must be within the parameters of the VPA.

European Forest Institute Technical Assistance Project (EFITAP)

21. EFI presented an update on the EFITAP (presentation annexed to this Aide Mémoire).
22. EFITAP indicated that while the current programme is ending, several activities may roll over to Q1 2023 due to delays encountered previously. Additionally, EFI will continue to remain available to the GFC beyond the project's lifespan.

EU financial contribution to the JIF implementation

23. The EU Delegation presented an update on the financial contribution of the Forest Partnership cooperation programme to the JIF totaling EUR 2 million, stating the next steps to be the development and finalisation of the programming documents, and the possible implementation start date to be early 2024.
24. The EU Delegation also highlighted that EUR 300,000 from the Technical Cooperation Facility (TCF) is committed for JIF support and will become available in 2023. Complementary support may also be acquired through the future Cooperation Facility as of 2024.
25. Further EU support is provided through the AFD EU FLEGT programme, totaling approx. EUR 2.5 million.

Guyana REDD+ Investment Fund (GRIF) proposal update

26. Guyana presented an update on the GRIF proposal, stating that approximately US \$1.2 million has been allocated to support the Monitoring, Reporting and Verification System (MRVS) and other GFC FLEGT related activities from 2022 to 2024.

Handwritten signature/initials



Technical Cooperation Facility (TCF) proposal update

27. Guyana presented an update on the TCF proposal, outlining the next steps and activities that will be implemented.

The Parties agreed to the following:

13. The Parties will finalise the ToR by the end of 2022 and to launch procurement in January 2023.

Presentations of Indigenous Peoples and the private sector

28. Indigenous Peoples' Organisations requested the following technical and financial support to enhance their role in the VPA (presentation annexed to this Aide Mémoire):

- i. Outreaches to enhance capacity in the communities involved in/impacted by logging
- ii. Coordination and facilitation support to address grievances
- iii. Discussions on the meaning of "traditional rights" and its enforcement in different sectors
- iv. The development of an independent monitoring body for Indigenous civil society
- v. Participation of Indigenous Peoples in the VPA Impact Assessment
- vi. Development of a Communication and Engagement Strategy focused on and relevant to Indigenous Peoples
- vii. Procurement of a coordinator, staff, technical support and office space, which will also help to ensure business continuity
- viii. Enhanced transparency and participation in the allocation process of forest concessions

29. The private sector raised the following issues:

- i. The need to enhance market accessibility (domestic and international).
- ii. The need to strengthen the NIWG, including its representational capacity and especially for private sector, civil society and Indigenous Peoples' Organisations.

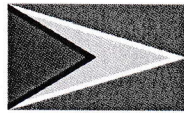
30. Guyana will consult with Indigenous Peoples on the VPA Impact Assessment which is currently being developed.

The Parties agreed that:

14. Funding to support Indigenous communities and the private sector is available through the AFD EU FLEGT programme. VPA stakeholders can submit proposals for funding. The facilitator and Eticwood will support this process.
15. The JMRC is not a suitable forum for discussing the Amerindian traditional rights definition and its revision as it is outside the remit of the VPA.
16. The Parties agreed for Guyana and stakeholders to explore how the MRVS complaints mechanism currently under development can be used in the framework of the VPA.

Updates on the GFC's new revenue structure

31. Guyana indicated that a proposal for the new revenue structure based on a stumpage value is pending Government approval.



Assessing that the traditional rights of Indigenous Peoples are not impeded

32. Guyana presented an initial proposal on the procedure to operationalise the indicator for ensuring that the traditional rights of Indigenous Peoples are not impeded by FSOs:

"In response to a written/verbal request from an Indigenous person for subsistence use of/access to state forest or state lands in accordance with the definition of traditional rights as provided in the Amerindian Act 6 – 2006, the GFC will examine such request and make a decision that will be communicated to the Indigenous persons within seven (7) working days.

This decision may be informed through consultation with other stakeholders inclusive of government agencies, relevant Amerindian Village Councils and FSOs.

The decision will be provided with appropriate justification, and may include conditions."

The Parties agreed to the following:

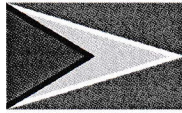
17. This proposal will be further discussed with the stakeholders in the near future.

Press release

33. The Parties reviewed and approved the press release.

In conclusion, the Parties agree to the following:

1. Guyana will send a letter to the EU Ambassador indicating its interest to sign at COP 15 in Montreal in December 2022. The EU will then forward said letter to the European Commission in Brussels.
2. After signature, the ratification process will be concluded by each Party, followed by entry into force which can be expected as of 1 May 2023.
3. The technical sessions of the first JMRC are tentatively scheduled for 15-16 May 2023 and the political session for 17 May 2023.
4. The Parties will present final drafts of the Rules of Procedure and Rules of Arbitration to the first JMRC with recommendation for adoption.
5. A working team with representation from both Parties will be identified to develop a draft of a communication tool kit for the JMRC by the end of 2022 to be reviewed by the Parties.
6. The working team will endeavour to develop a final draft for adoption by the first JMRC.
7. The EU will inform Guyana when further updates on the EU regulation on Deforestation-Free Products become available.
8. Guyana will inform the EU on any updates on the creation of the GCB and strengthening of capacity, including financial, of GTLAS Ministries and agencies to fulfill their mandates.
9. This workplan was adopted.



10. The workplan is a living document and updates will be presented at every monthly bilateral meeting between the Parties. The updated version will be shared in advance of these meetings.
11. The AFD EU FLEGT programme will commence coordinating the three priority areas identified (see further details in presentation annexed).
12. That all activities linked to the Amerindian traditional rights definition must be within the parameters of the VPA.
13. The Parties will finalise the ToR by the end of 2022 and to launch procurement in January 2023.
14. Funding to support Indigenous communities and the private sector is available through the AFD EU FLEGT programme. VPA stakeholders can submit proposals for funding. The facilitator and Eticwood will support this process.
15. The JMRC is not a suitable forum for discussing the Amerindian traditional rights definition and its revision as it is outside the remit of the VPA.
16. The Parties agreed for Guyana and stakeholders to explore how the MRVS complaints mechanism currently under development can be used in the framework of the VPA.
17. This proposal will be further discussed with the stakeholders in the near future.

ANNEXES TO THIS AIDE MEMOIRE

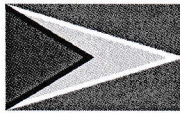
1. List of participants
2. AFD presentation
3. EFITAP presentation
4. Presentation from IPs
5. Private sector
6. Workplan

For the European Union

Mr. Joan Nadal Sastre, Head of Cooperation,
representing His Excellency Rene van Nes,
Ambassador of the Delegation
of the European Union to Guyana

For Guyana

Hon. Vickram Bharrat,
Minister of Natural Resources



Annex I

List of participants

A) Guyana team

1. Hon. Vickram Bharrat, Minister of Natural Resources
2. Mr. Edward Goberdhan, GFC Commissioner (ag)
3. Mr. James Singh, GFC Management Consultant
4. Mr. Kenny David, Head of the FLEGT Secretariat
5. Mr. Khemchan Persaud, FLEGT Secretariat

A) European Union team

1. H.E. Rene van Nes – Ambassador, EU Delegation
2. Ms Magdalini Topouzidou, Directorate-General for International Partnerships of the European Commission
3. Mr Joan Nadal-Sastre, Head of Cooperation, EU Delegation
4. Ms Layla El Khadraoui, Programme Manager, EU Delegation

B) Support team

1. Sebastiaan De Smedt, Forest Governance and Timber Legality Assurance Expert, European Forest Institute
2. Anna Correia de Sá, EU FLEGT Facilitator and Forest Partnership Advisor, Particip

C) GTLAS Agencies

1. Guyana Forestry Commission (GFC)
2. National Insurance Board (NIB)
3. Ministry of Labour (MoL)
4. Guyana Revenue Authority (GRA)
5. Ministry of Amerindian Affairs (MoAA)
6. Environmental Protection Agency (EPA)

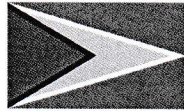
D) List of Indigenous Peoples Organisations

1. Amerindian Peoples Association (APA)
2. Guyanese Organisation of Indigenous Peoples (GOIP)
3. National Amerindian Development Foundation (NDAF)
4. The Amerindian Action Movement of Guyana (TAAMOG)
5. National Toshias' Council (NTC)

E) List of Environmental Organisations

1. Conservation International Guyana (also representing IIC, WWF)

Handwritten signature/initials



F) List of Private Sector Organisations

1. Forest Producers Association (FPA)
2. Small Loggers Association

List of other Annexes available via <https://euflegt.gov.gy/flegt-vpa/committees/jmrc/> :

- AFD presentation
- EFITAP presentation
- Presentation from IPs
- Private sector
- Workplan

LG B