

Public Statement by participants in a training of trainer workshop on *Indigenous Peoples Rights, Extractive Industries and National Development Policies in Guyana* held at Cara Lodge, Georgetown, Guyana (March 2-8, 2010)

After five and half days reviewing current issues relating to mining, logging, protected areas, the draft LCDS and proposed REDD+ policies that directly affect our lands and rights, we the undersigned participants, including Toshaos, Village leaders, regional leaders, district leaders, community leaders, and APA Executive Leaders wish to make the following public statement:

Urgent need to address unresolved land issues:

First and foremost, our top most priority is to again call for immediate measures to secure our traditional lands and territories. We underline that fair and transparent policies and actions to resolve our outstanding land claims must be put in place as a priority before the implementation of extractive industry projects, LCDS/REDD+ or any other project that may have direct or indirect impacts on our traditional lands, territories and resources.

Experiences with public consultation and FPIC

After sharing our experiences regarding government and private sector projects and development proposals, we all agree that existing methods and mechanisms for information sharing are grossly deficient. In almost all cases, we suffer from a severe shortage of up-to-date official and other news and information in our villages. Telephone and internet connections are vital to ensure that our communities are able to obtain and share timely information among our leaders, community members and representative organisations – but are not yet in place. Current practices and norms in Guyana do not adequately uphold our guaranteed rights to good faith, prior consultation and free, prior and informed consent (FPIC) as enshrined in the national Constitution, the UN Declaration on the Rights of Indigenous Peoples (endorsed by Guyana) and related human rights treaties to which Guyana is a signatory.

Our collective experience shows that information on public policies and projects, including mining projects, often arrives late in our communities (if at all), in a format that is not understandable to our villagers and we are expected to comment and make decisions within schedules that do not respect our traditional and community-based decision-making customs and procedures.

Mining

After reviewing recent maps of mining concessions and exploration permits issued by the GGMC, we are alarmed that many of these concessions directly impact on our traditional lands (titled and untitled). Toshaos and leaders from Region 8, for example, complain that large-scale uranium and gold permissions linked to U308 Corp and Mahdia Gold Corp directly affect the traditional lands and territory of the Patamona people. Moreover, they point out that affected Amerindian communities do not have access to adequate information on these mining interests nor on their specific mining and exploration plans in Region 8. In Region 9, the extensive mining expansion proposals of Shoreham Resources Ltd and Infinito Gold Ltd around *Marit-tao* (Marudi Mountain – *sic*) will directly impact on the traditional lands of Wapichan communities, yet the ESIA document and information on potential adverse impacts has not been subject to culturally appropriate prior consultation, and in no place respects the collective right to free, prior and informed consent of affected communities.

In Region 1, GGMC has granted four medium-scale mining permits to a Guyanese miner in the titled traditional lands belonging to Chinese Landing. These permissions have been issued against community wishes and without the knowledge or prior consent of the affected Amerindian village. Despite community complaints to GGMC and MAA, the miner continues to operate in the area. At the same time, Brazilian and Guyanese mining interests continue to degrade and pollute waters and riverine habitats within community lands without adequate controls and regulation by GGMC.

We are dismayed that prior information on mining industry projects and investments has not been made available in our communities and that mining permissions continue to be granted by GGMC without our knowledge and without the free, prior and informed consent of affected Amerindian communities. Relevant authorities such as the GGMC are still failing to provide us with the necessary and timely information required to inform our communities and uphold our right to FPIC.

Logging

Participants expressed serious concerns over the negative impacts of industrial logging operations on Amerindian lands in Regions 1, 2 and 8. As with mining concessions, information on existing and proposed logging concessions is not readily available at the local level in our villages and there is little transparency over timber trade investments affecting our territories.

LCDS and REDD-plus policies

We as workshop participants and community leaders affirm that our peoples have historically contributed to the maintenance of the environment and forests in Guyana and we continue to contribute to reducing international climate risks. We are concerned that current national and international policies do not adequately recognise our positive role and fail to protect our rights, including our right to FPIC.

In relation to the LCDS outreach activities carried out in 2009, for example, participants reported that meetings lacked prior information, were often rushed and only lasted a few hours and also suffered from weak or non-existent translation support. Participants also expressed concern that numerous recommendations made in the LCDS meetings in 2009 have not been taken on board in the latest draft (December 2009) of the LCDS document, most notably our communities' recommendations relating to land rights and the 2006 Amerindian Act, among other critical issues.

With regard to the REDD-plus proposals of the Guyana Forestry Commission and World Bank, we wish to communicate strongly that virtually nobody in our villages has any notion of what REDD-plus and carbon trading are about, nor how these proposals might affect their rights, interests and way of life. We are especially concerned that information on how REDD-plus might affect our traditional activities like farming is now confused, with previous commitments to protect these practices now being withdrawn by government (draft LCDS document). The confused information and changing government positions on core issues calls into question the credibility of LCDS outreach efforts and whether information is being provided in good faith.

We are deeply concerned that the LCDS and REDD-plus proposals still do not contain adequate measures to ensure full respect for our collective rights over our traditional lands, protection of our livelihoods, and do not meet international standards prescribed in the UNDRIP, and other conventions ratified by the government of Guyana.

Collective representation and FPIC:

Recalling that the NTC was intended to be an autonomous body and was an initiative of Amerindian leaders and communities seeking collective independent representation at the national level, we are deeply concerned that the independence and integrity of the NTC executive has been compromised by individual views. These concerns stem partly from the recent Terms of Reference (TORs) of the NTC which are of uncertain status and have not been the subject of consultation and agreement among Amerindian communities. Furthermore, these TORs contain numerous inconsistencies and controversial provisions that undermine the autonomy of the NTC, including proposals that the NTC Secretariat may be housed at the Ministry of Amerindian Affairs.

In addition, we are also concerned that the Chairperson of the National Toshias Council (NTC) has reportedly made public pronouncements in relation to LCDS and REDD-plus policies, which do not reflect the interests and rights of our indigenous peoples and communities. These statements have been made without our knowledge, consent, or mandate from our communities and should be withdrawn. Further serious concerns relate to unconfirmed reports that the Minister of Amerindian Affairs and NTC chair have encouraged Toshias to write letters in support of the LCDS proposals, without following due procedures needed to uphold FPIC of their communities/villages.

RECOMMENDATIONS:

In view of the above findings, concerns and conclusions of this workshop, we hereby make the following demands and recommendations:

- We again call for urgent measures to establish effective, fair and transparent mechanisms to clarify Amerindian land and territorial rights in Guyana, including measures for a land rights settlement procedure, that must involve indigenous representatives and experts freely chosen by our communities. Delineation, demarcation and titling must be based on customary occupation, land use and traditional tenure in full conformity with relevant international norms.
- We demand that GGMC and other relevant national authorities take urgent measures to fully respect our right to Free, prior and informed Consent (FPIC) and take necessary actions to ensure the full respect of FPIC principles in the zoning of mining areas, issuing of permits and licenses and in the implementation of all mining activities that may affect our traditional lands and territories, in accordance with national laws and relevant international standards.
- We demand that GGMC adhere to their legal obligation to give prior notice and information to our communities and to respect FPIC before the granting of permits and concessions that may impact directly or indirectly on our lands and ways of life.
- We urge the EPA to keep their ESIA regulations up to date and to respect international environmental standards under the various international instruments that Guyana has acceded to
- We likewise call on the EPA to upgrade its ESIA regulations to meet international best practice, including the *Akwe:kon voluntary guidelines for the conduct of cultural, environmental and social impact assessments*

- We urge the EPA and other relevant government authorities to ensure that all national and foreign companies and investors (mining, agricultural, aquaculture, timber, carbon etc) fully conform to ESIA regulations and uphold the right of FPIC for indigenous peoples.
- We call on the government and donor agencies to provide funds and support for the installation of telephone and internet connections in all Amerindian communities in Guyana – powered through local small-scale sustainable energy sources – as a matter of priority (including through the use of satellite connections) to enable timely access to public policy information, especially in relation to issues relating to the government’s current LCDS and REDD-plus proposals
- We demand that all relevant government agencies such as the GGMC, EPA, GFC to provide all required information about proposed projects that may affect our traditional lands and to seek FPIC from the affected indigenous peoples and communities
- We demand that the current ESIA process for expansion of mining operations around *Marit-tao* be suspended forthwith and immediate actions taken to ensure that affected communities in the Southern Rupununi are fully informed and that rights to FPIC are fully respected with regard to this mining proposal. Consultation and FPIC procedures shall be agreed with representative Amerindian authorities, including the South Central and South District Toshias Councils
- We call on the government and donor agencies to take effective action to ensure that our recommendations on rights, FPIC and land issues are fully incorporated in to LCDS and REDD-plus policies and that our collective consent is sought prior to the adoption of these policies in accordance with Article 19 of the UNDRIP
- We demand that any official procedures for “opting in” (and opting out) to LCDS or REDD-plus, or any other government programmes, be based on established principles of FPIC, including our right to develop and adopt our own FPIC and good faith negotiation guidelines and rules at the village, local, territorial and national levels
- Measures to ensure FPIC and ensure adherence to standards in UNDRIP must be mainstreamed into the Guyana REDD-plus Governance Development Plan (RGDP) under the Norway-Guyana MoU on “**Issues related to the Fight against Climate Change, the Protection of Biodiversity and the Enhancement of Sustainable Development**” (November 2009)
- We hereby call on Norway and the GoG to ensure that the draft RGDP is fully consulted with indigenous peoples prior to its finalisation and consideration for adoption
- We call on the Government of Guyana and international funding agencies, including Norad, DFID, EC, World Bank and IDB, to take all necessary measures to ensure that LCDS and REDD + policies and actions fully meet standards and protections set out in the UNDRIP and in relevant safeguard policies of said agencies and financial institutions. To this end, we recommend that a working group inclusive of our leaders and appointed experts, the government and donor agencies be established on implementation of UNDRIP.
- We additionally specifically request that international donors, including Norway, ensure that serious shortcomings in Guyana’s legal framework in connection with indigenous peoples’ rights, as identified, *inter alia*, in 2006 and 2008 by the UN Committee for the Elimination of All Forms of Racial

Discrimination (CERD) be fully addressed in all climate and other development and environmental initiatives in order to ensure that international funds do not undermine Guyana's capacity to fulfill its obligations to respect the rights of indigenous peoples.

- We request that donor governments and agencies, such as the Norwegian Government, provide funds, technical and legal assistance to help the NTC to carry out its functions in an independent and autonomous manner

Finally, on our side, we are in the process of developing our own proposals and guidelines for FPIC in our communities at different levels, as appropriate (Village (and minor settlements), territory, sub-district, district, people etc). Until such times as we have these community policies on FPIC in place, we call on the government and international agencies to refrain from any proposed implementation of extractive industry, infrastructure, LCDS, REDD-plus or other projects and programmes that may affect our lands, territories and resources.

Signed:

Sharon Atkinson, APA Executive Member, Santa Rosa, Region 1

Andrew da Silva, APA Executive Member, Arukamai, Region 1

David Newsum, Waramuri, Region 1

Neville La Rose, Port Kaituma, Region 1

Toshao David Wilson, Akiwini, Region 2

Howard Cornelius, APA Executive Member, Wakapao, Region 2

Earl Thomas, APA Executive Member- Secretary, Wakapao, Region 2

Josephine Bascome, Village Councilor, Waramadong, Region 7

Amrita Thomas, APA Executive Member- Treasurer, Kamarang, Region 7

Toshao Norma Thomas, Warawatta, Region 7

Toshao Devroy Thomas, Arau, Region 7

Lewis Larson, APA Executive Member, Isseneru, Region 7

Toshao Christopher Edwards, Kaburi, Region 7

Toshao Claude Anselmo, Kaikan, Region 7

Toshao Christopher Sandwells, Paramakatoi, Region 8

Roger Alfred, Paramakatoi, Region 8

Paul Benjamin, Chenapou, Region 8

Charles Peters, Kurukabaru, Region 8

Deoram Peters, Village Councilor, Itabac, Region 8

Tony James, APA Executive Member- President/Village Councilor, Aishalton, Region 9

Deputy Toshao Matthew Charlie, Tiger Pond, Region 9

Toshao Patrick Gomes, Maruranau, Region 9

Paulinus Albert, Potarinau, Region 9

Toshao Arnold Stephens, Karaudarnau, Region 9

Jean La Rose, APA Programme Administrator, Santa Rosa, Region 1

Lawrence Anselmo, APA Programme Assistant, Paruima, Region 7