

Guyana Response to UN Questionnaire to the Permanent Forum on Indigenous Issues, March 28, 2011

Introductory remarks:

Guyana in submitting this response reminds the UN Secretariat that Guyana's reports to the UN UPR in May and September 2010 contain detailed information on a number of questions asked in this questionnaire. It may therefore be useful to refer to it in addition to this submission.

In addition, Guyana has attached a copy of its submission to the Inter American Commission on Human Rights in response to a questionnaire on the "Legal Framework and Policies regarding Property Rights of Indigenous Peoples over Land, Territories and Natural Resources", dated October 7, 2009. This may also provide additional information to the Secretariat.

Question 1

Briefly state what recommendations from the Ninth Session of the United Nations Permanent Forum on Indigenous Issues (UNPFII) or recommendations from previous sessions (not addressed in previous reports) were addressed by your Government.

- 1) The Government of Guyana has been promoting and supporting activities which promote the development of Amerindian Villages/Communities and which are not detrimental to their culture and identity e.g. promoting Community Based Forests Associations which promote the development of our Amerindian Villages and Communities through the sustainable use of forests resources.
- 2) Promoting dialogue/discussion on the Convention on Biological Diversity among Indigenous People vide Seminars and Workshops
- 3) By way of Legislation, the 2006 Amerindian Act requires the involvement and support of the Village Councils and the Village General Meetings in any investment of a small or medium scale which requires the use of Village Resources.'
- 4) Granting 96 communal land titles covering 135 Indigenous (Amerindian) Peoples villages s that are "absolute and forever" to the lands they occupy. In 2010 an additional 19 land titles were granted. Over the next two years the demarcation and titling of more than 20 additional communities will be completed including those requesting extension of their titled lands.
- 5) Secure Livelihoods - Enterprise development projects/programs have been and are being implemented in Amerindian Villages. In addition, all Amerindian villages and communities developed their community development plans, which include the community based projects

that are expected to transform the village economies. This attempt to alleviate the economic plight of Amerindians is anchored on to Agriculture, Aquaculture, Mining, Logging, and Eco-tourism, all within the context of **Low Carbon Development Strategy (LCDS)**.

Question 2

Please provide a brief account of some of your Governments' efforts regarding indigenous peoples and the Millennium Development Goals?

Universal Primary Education:

Government has been successfully encouraging and assisting the parents of indigenous children and in fact all children in interior locations to send them to school by providing uniforms and a hot meal per diem for each child attending school. In some instances, where there are long distances from home to school, Government has been providing Boats/Engines to transport the children to and from school. All interior secondary schools include dormitories for students. The result has been significant improvement in enrolment and attendance at school.

It should be noted that there is a nursery and primary school in all 134 Amerindian villages and there are now 13 secondary schools in the 4 interior Administrative regions. Eighteen years ago there was only one.

In addition, there is a hinterland scholarship programme that provides equal opportunity for excelling students to secondary schools in the city as well as to technical vocational schools such as the Guyana Technical Institute, Guyana Industrial training Centre, Guyana School of Agriculture, Carnegie School of Home Economics, opportunities to nursing schools and to teacher training at the Cyril Potter College of Education as well as scholarships to the University of Guyana and overseas scholarships.(see Guyana's report to the UN UPR)

Gender Equality:

The Government of Guyana supports an enabling environment enhanced by legislation to increase participation of women in leadership roles. Guyana's revised Constitution and amended Representation of the Peoples Act ensure that one of the issues governing political parties' eligibility to contest elections is that one third of the Candidates Lists of Political Parties contesting National and Regional Elections are female.

The constitutionally Human Rights Commissions comprise a large percentage of women— Rights of the Child Commission (14 of the 15 members are female), Women and Gender Equality Commission (15 of the 16 members are female), Indigenous Peoples Commission (3 of 12 members) and the Ethnic Relations Commission (1 of 5 members).

Six of the 18 Members of Cabinet are female. It must be noted that the Minister of Foreign Affairs and the Minister of Amerindians of Amerindian Affairs are both female and Amerindian.

The Chairperson of the National Tushaos Council (NTC), comprised of the 134 elected tushaos (captains) of the 134 Amerindian villages, is female, and, the 20 member executive of the NTC is made up of 6 female Tushaos.

There is equal access regardless of gender, geography or ethnicity, to social services. Special social safety net programmes exist for the poor and vulnerable, especially women, children, the elderly, Amerindians and differently-abled. A new women's microcredit facility, called Women of Worth, has been introduced through a partnership between the government and a locally owned commercial bank. A new Unit, called the Men's Desk, has been established that targets men and their issues.

HIV/AIDS, Maternal Health & Primary Health Care, etc.:

Government's increased focus on the selection and training of Health Workers who are indigenous to provide health education and health care services primarily out of Health Posts and Health Centers in the villages and through outreaches has improved the quality of life and extended life expectancy. This structure enhances opportunities for expanded immunization, greater efforts to combat malaria and other diseases. Several NGOs work with the Ministry of Health on HIV awareness programmes and care for those infected.

TB a disease which was prevalent over 2 decades ago and lead to high mortality rates has reduced considerably among the Amerindian communities whilst remaining a deadly disease among the HIV/Aids compromised population on the coast.

In addition, the Ministry of Amerindian Affairs manages an Amerindian Residence in the capital city which caters for Amerindians who travel to the city from interior areas to do business or access critical health referrals or treatment at the tertiary care hospital. One department caters for high risk pregnant mothers; it provides pre- and post natal care for mothers until they return to their homes.

The Ministry of Amerindian Affairs Focal Point on HIV/AIDS awareness have incorporated addressing social issues such as alcohol and substance abuse, domestic and sexual violence, TIP among other topics related to the promotion and maintaining a healthy life style.

The fact that the Amerindian population is the fastest growing ethnic group is an indication of improvements in the quality of their lives and access to better health and water and greater integration into the country's economy through improved access to transportation and communication.

Environment Sustainability:

The Amerindian Act (2006) speaks to the issue of environment. Amerindian Village Councils are encouraged to develop Community Development Plans to include consideration of the environment. The recently launched Low Carbon Development Strategy also addresses concerns of indigenous people. The LCDS was drafted and underwent intensive and extensive consultations and examinations throughout the Amerindian communities and the country in 2009. They are encouraged to consider the strategy in detail before making decisions in regards to their lands, including use of the forests.

Eradication of Poverty and Hunger: The Government of Guyana has also made significant strides in reducing hunger and poverty in the Villages. Through the MoAA, funds are invested in economic projects aimed at diversifying and increasing their production of food to secure Amerindian livelihood and increase their household and per capita incomes. Among the programmes implemented in Amerindian communities are: the National Hinterland Secure Livelihood Programme, Micro- Credit Schemes, and Presidential Grants.

In addition Guyana would like the UN Secretariat to note that Guyana's latest MDG report should be released by mid-2011.

Question 3

At its tenth session in 2011, UNPFII will review its recommendations in relation to (a) Economic and Social Development; (b) Environment; (c) Free, Prior and Informed Consent. Briefly state how your Government deals with these issues in regards to indigenous peoples?

(A) Economic and Social Development:

The Government of Guyana has established the Ministry of Amerindian Affairs with a specific mandate to protect and promote the collective rights of Amerindians through the formulation of policies and implementation of programmes to foster the socio-economic development of Amerindians.

The Government continues to enhance the delivery and access to social services (education, health, transportation services, etc) in Amerindian communities.

The Low Carbon Development Strategy, Guyana's new developmental agenda, provides opportunities for economic development of Amerindian communities. Amerindian Villages will be one of the largest beneficiaries of the Strategy. Funds will be allocated for the implementation of various programmes in Amerindian villages: namely, land demarcation, solar electrification, training and capacity building in the areas of governance and transformative economic activities that address sustainability of livelihoods that generate employment and increases income.

(B) Environment:

Guided by the Amerindian Act, 2006, Amerindians are granted titled to their Village lands. Their Villages are demarcated and thus, Amerindians, are the sole keepers of their environment and its resources as stipulated in that statute and the constitution..

Furthermore, the Amerindian Act stipulates that the Village Councils of Amerindian villages have responsibility for “the management, use, preservation, protection and conservation of Village lands and resources or any part thereof (Amerindian Act, 14 part d); and protection and sustainable management of wildlife, (Amerindian Act, 14, part. e).”

All villages are required to develop their own community management plans, and have the authority to manage their own fiduciary concerns. All benefits taken from the natural resources of Amerindian Villages are managed by the village councils for the benefit of the members of the village For instance, logging and mining concessionaires must pay royalties to the Village Councils.

The 1996 Environmental Protection Act also provides guidelines on environmental matters across Guyana

Under the Low Carbon Development Strategy, Amerindian villages will also have an opportunity to “opt-in”, whereby they can pledge their forest resources, undertake low-carbon activities, and be able to receive payment for the forest services. The discourse for decision making is guided by the principle of free prior an informed consent(FPIC).

(C) Free, Prior and Informed Consent:

The Government of Guyana strongly believes and practices FPIC and does not force or compel Amerindians to make any decisions without having FPIC. For e.g. the Low Carbon Development Strategy caters for FPIC. The Amerindian Act 2006 provides for free, prior, and informed consent of the Villagers on issues that require their involvement/support with respect to land, mining, etc.

The Amerindian Act 2006 also makes provision for FPIC in regards to the processing of titling and demarcation of village lands, entry and access to Amerindian Villages, and use of natural resources. In addition, no project or programme or initiatives are undertaken in Amerindian communities without proper consultation with the community members.

The National Toshao Council General Meetings are an excellent demonstration of free prior and informed consent on issues both local and national where the dialogue and exchanges are needed to enhance the voice of the Amerindian people in Guyanese issues. Not withstanding, the engagements begin at the village level.

It should be noted that the constitutionally provided rights Commission, the Indigenous Peoples Commission, is appointed through a parliamentary consensual mechanism whereby

the National Tousehaos Council appoints 3 persons (one of whom must be a woman) and the 4 Amerindian organizations appoint two persons (one of whom must be a woman). These 5 are mandatory posts held for Amerindians by the constitution out of the 12 member Commission. The first such Commission under the revised constitution was appointed in September 2010.

The Ministry of Amerindian Affairs represents Amerindians concerns and issues on Boards of the Environment Protection Agency, the Gold and Geology Mining Commission, Conservation International, World Wild Life Fund, and the National Agriculture Research Council (ARC).

Question 4

What are some of the obstacles your government has encountered in implementing the recommendations of the Permanent Forum?

There are no insurmountable obstacles but there are challenges based on the country's capacity as a developing country. The present government is committed to addressing Amerindian issues and is successfully doing so. The constitutional and legislative mechanisms enshrine this policy and approach regardless if the government changes. Guyana believes that its model is a best practice that should be used as a model for implementation.

- (1) Attempts by a few persons and Non Governmental Indigenous Organizations to undermine the process of land titling and land demarcation of Amerindian Lands by advising the Village Leaders and Councils to claim more lands than they traditionally occupied or to reject titling and demarcation.
- (2) The cost of land titling and demarcation could be high depending on the topology of the area, this did pose some limitations on the numbers of titles it could process on an annual basis, however, the GOG has continued to prioritize demarcation and allocation of funds are to be adequately committed.
- (3) Limitation of national resources will always be an issue as Guyana is a small developing country, however, Government has never used this as an excuse to refrain for addressing the integration and improving the quality of life of Amerindian communities and thus close the divide due to geographical remoteness of population in some instances.
- (4) Monitoring and enforcement of Mining and Forests Laws and regulations w.r.t. agreements could pose a challenge for villages therefore attention has to be paid for continuous capacity building.
- (5) Intellectual Property Rights including traditional knowledge benefits from the constitutional and legal safeguards and mechanisms in the Amerindian ACT, however, this is still a challenge to protect unethical foreign researchers and non-governmental organizations.

Question 5

What are some of the factors that facilitate your government's implementation of the recommendations of the Permanent Forum?

- 1) Government's commitment to advance the Indigenous people's agenda.
- 2) The presence of a Ministry of Amerindian Affairs and a Minister of Amerindian Affairs with responsibility for Amerindian development- social, economic, cultural etc.
- 3) The allocation of annual budgetary allocations to the advancement of indigenous peoples that can be found in the budgets of the Ministries of Amerindian Affairs, Education, Health, Housing and Water, Agriculture, Public Works and Transportation, Local government and Regional development and the Office of the President.
- 4) The development of a cadre of trained Community Development Officers from the Amerindian communities deployed to serve those village and help Village Leaders to build capacity and to manage Village resources.
- 4) The development of a constitutional, legislative and policy framework that enables and facilitates the development and integration of Amerindian communities and peoples.
- 5) The availability and accessibility of government officials to the Amerindian communities, their leaders on a regular basis. The biennial convening of the National Tousehaos conference where all of the elected tousehaos meet and elect their executive and spend several days meeting and exchanging views with the President and Ministers of the government to resolve problems and initiate new programmes and approaches.

Question 6

Please list specific laws and/or policies that address indigenous peoples' issues in your country?

The following laws/policies addresses Indigenous people's issues in Guyana:

- (1) The revised Guyana Constitution 2003
- (2) The Amerindian Act, 2006
- (3) The Environmental Protection Act of 1996
- (4) The Forests Act 2007
- (5) The Mining Act of 1989
- (6) Amerindian Villages rules as discussed and agreed on at the level of the Village Councils and the Village general meetings.
- (7) The Poverty Reduction Strategy
- (8) The Low Carbon Development Strategy

Question 7

Does your Government have a national institution (ministry, department, ombudsman, etc.) on indigenous peoples' issues?

[*] YES NO

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II) The Indigenous Peoples Commission
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Question 8

Does your Government have any formal or ad hoc capacity-building programmes on indigenous peoples' issues for civil servants?

[*] YES NO

The Government of Guyana, through the MoAA executes capacity building programmes and workshops to educate its staff (Community Development Officers are also MoAA staff)) on Amerindian issues. This is done through the dissemination of information (brochures, website, community outreaches, documentaries and meetings). The staff in turn reaches out to the Tousehaos, Councilors and residents of the Villages.

Additionally, the Ministry of Amerindian Affairs is represented on various Government Boards and steering committees (including Guyana Geology and Mines Board, Guyana Forestry Board and other related boards) to ensure these bodies are familiar with and provide adequate coverage of Amerindian Issues and that they are kept abreast of new information.

Question 9

Please list information on how your Government currently promotes and/or implements the U.N. Declaration on the Rights of Indigenous Peoples.

The Government of Guyana promotes the U.N. Declaration on the Rights of Indigenous Peoples through the implementation of many programmes and policies, namely:

- Land Titling and demarcations Programmes - to give Amerindian title and ownership to their traditional lands.
- Implementation of the various policies and the Amerindian Act (2006) - to provide for the recognition and protection of the collective rights of Amerindian Villages and Communities, the granting of land to Amerindian Villages and Communities and the promotion of good governance within Amerindian Villages and Communities in culturally compatible manner.
- Designation of the month of September as Amerindian Heritage Month- to promote recognition and respect for the contribution Amerindian people have made to Guyana's development and to maintain and preserve Amerindian people's culture, as well as to integrate Amerindian culture into the wider society.
- Direct participation and involvement of Amerindians at the highest level (Government-Appointing Amerindians as Ministers of Government, and Chairmen/Chairwomen of Government bodies) of the decision making process.
- Establishment of a National Touthaos Council and the constitutional human rights Indigenous People's Commission.
- Provision of social infrastructure to ensure access to education and primary health education & support to transform their economies and improve the quality of life of all Amerindians (wheresoever they live in Guyana) and their communities.

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