Country Technical Note on Indigenous Peoples' Issues

Republic of Guyana





Technical Country Note on Indigenous Issues

GUYANA

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Acronyms

ADF Amerindian Development Fund

AFD Agence Française de Développement

ALC Amerindian Lands Commission

ALT Amerindian Land Titling Project

APA Amerindian Peoples' Association

ART-TREES Architecture for REDD+ Transaction (ART)

CARICOM Organization of the Caribbean Community

CCPR UN Human Rights Committee

CDEMA Caribbean Disaster Emergency Management Agency

CDO Community Development Officer
CDP Community Development Plans

CEDAW UN Committee on the Elimination of Discrimination against Women

CERD UN Committee on the Elimination of Racial Discrimination

CESCR UN Committee on Economic, Social and Cultural Rights

CMCS Caribbean Multi-Country Analysis

CRC Committee on the Rights of the Child

CRSAP Climate Resilience Strategy and Action Plan

EPA Environmental Protection Agency

ERC Ethnic Relations Commission

EU European Union

EU FLEGT EU Forest Law Enforcement Governance and Trade

FAO UN Food and Agriculture Organization

FPCI Free prior and informed consent

FPP Forest Peoples' Programme

GFC Green Climate Fund

GGMC Guyana Geology and Mines Commission

GOIP Guyana Organization of Indigenous Peoples

GRIF Guyana REDD+ Investment Fund

HDI Human Development Index

HEYS Hinterland Employment Youth Service

IACHR Inter-American Commission on Human Rights

IDB Inter-American Development Bank

IFAD International Fund for Agricultural Development

IICA Inter-American Institute for Cooperation on Agriculture

ILO International Labour Organization

IOM International Organization on Migration

IPAF Indigenous Peoples Assistance Facility (IFAD)

LCDS 2030 Low Carbon Development Strategy 2030

MICS Multiple Indicator Cluster Survey

MNR Ministry of Natural Resources

MoIPA Ministry of Indigenous Peoples' Affairs

MOU Memorandum of Understanding

MSSC Multi-stakeholder Steering Committee (to the LCDS)

NDC Nationally Determined Contribution

NTC National Toshaos Council
OCC Office of Climate Change

OHCHR United Nations Office of the High Commissioner on Human Rights

PAHO Pan-American Health Organization

REDD+ Reducing Emissions from Deforestation and forest Degradation, plus the sustainable

management of forests, and the conservation and enhancement of forest carbon stocks

SDGs Sustainable Development Goals

SIDS Small Island Developing State

SLDMP Sustainable Land Development and Management Programme

TAAMOG Amerindian Action Movement of Guyana

UN Organization of the United Nations

UNAIDS Joint United Nations Programme on HIV/AIDS

UNCT United Nations Country Team

UNCTAD United Nations Conference on Trade and Development

UNDP United Nations Development Program

UNDRIP United Nations Declaration on the Rights of Indigenous Peoples

UNEP United Nations Environment Program

UNESCO United Nations Educational, Scientific and Cultural Organization

UNFPA United Nations Population Fund

UNHCR United Nations High Commissioner for Refugees

UNICEF United Nations Children's Fund

UNSR United Nations Special Rapporteur

UN Women United Nations Entity for Gender Equality and the Empowerment of Women

UPR Universal Periodic Review (UN Huamn Rights Council)

USD United States Dollars

USAID United Nations Agency for International Development

VNR Voluntary National Report (on SGDs implementation)

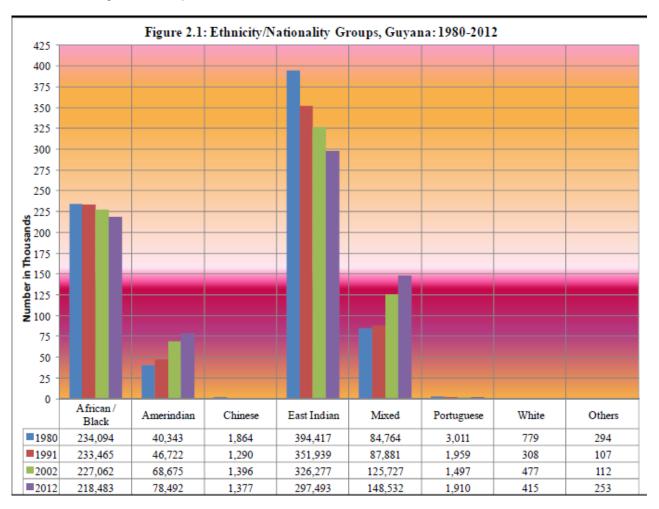
VSP Village Sustainability Plan

WFP World Food Program

1. Indigenous Peoples in Guyana

1.1 Population

According to the last 2012 population census, the total population of Guyana was of 746,955 inhabitants, with the following ethnic composition: ¹



Source: Bureau of Statistics (2016)

There are nine indigenous peoples in Guyana, identified collectively and in legislation as Amerindians: Kalihna (Carib-Galibi), Lokono (Arawak-Taino), Warau, Akawaio, Arekuna, Patamona, Waiwai, Makushi, and Wapishana. The total indigenous population is 78,492 persons, constituting a 10.51 percent of the total population.² The indigenous population is younger (53.1% under the age of 18) than the country average age.

Age distribution for indigenous population, Guyana, 2014

¹ Bureau of Statistics Guyana (2016)

² Regarding the possible presence of indigenous peoples in voluntary isolation in Guyana, the IACHR 2019 report on the Pan-Amazonia states that: *In 2013, the State of Guyana reported that there had been no sightings in its territory of indigenous peoples in isolation. That information was supported by the National Toshaos Council (NTC), which comprises the elected Toshaos (Heads of the Village Councils) representing all the Amerindian villages and communities. However, recent reports indicate that members of the Kaibarupai community took their children out of school essentially to live in the forest. They made that decision because they considered community life too stressful. According to information received by the IACHR, the person who provided the background information was reprimanded by other members of the community for not managing to convince the parents about their children's right to education. IACHR (2019) párr.338*

	Boys	Girls	Total	Percent total Indigenous Population
0-4	5,138	4,987	10,125	13.1 percent
5-9	5,128	5,136	10,264	13.3 percent
10-14	5,428	5,337	10,765	13.9 percent
15-19	4,272	4,240	8,512	11.0 percent
20-24	2,891	3,209	6,100	7.9 percent
Child Population	19,966	19,700	39,666	51.3 percent
Adolescent Population (10-19)	9,700	9,577	19,277	24.9 percent
Youth Population (15-24)	7,163	7,449	14,612	18.9 percent
Adult Population (18+)	18,710	18,742	37,452	48.4 percent
Not known	113	75	188	0.2 percent
Total Population	38,789	38,517	77,306	100.0 percent

Source UNICEF (2017) based on: 2012 Census (Bureau of Statistics Guyana, July 2016)

1.2 Geographical distribution

About 90 per cent of the indigenous communities are located the country's forest and mountains of the hinterland (regions 1, 7, 8 and 9) which comprises 92.5 percent of the country's landmass, but are settled across the ten administrative regions of Guyana. Indigenous peoples make up the majority of the resident population in Region 9, Region 8, Region 1, and Region 7.3

Officially recognized communities are called 'indigenous villages'. The Ministry of Indigenous Peoples' Affairs (MoIPA) keeps a registry of the indigenous villages in the country.4

Eth	nnic/Nat	ionality	Groups	Percen	tage Dis	tributio	n per re	gion, Gι	ıyana, 2	012	
Ethnic background	Region 1	Region 2	Region 3	Region 4	Region 5	Region 6	Region 7	Region 8	Region 9	Region 10	Total
African/Black	2.30	12.58	21.13	40.56	33.06	21.32	11.62	7.75	1.46	49.02	29.25
Amerindian	64.56	18.87	2.62	2.27	2.55	1.64	37.19	72.30	85.85	8.01	10.51
Chinese	0.05	0.09	0.18	0.24	0.09	0.16	0.14	0.08	0.04	0.32	0.18
East Indian	1.71	44.57	59.55	35.02	54.66	66.03	8.54	2.55	1.04	2.82	39.83
Mixed	31.17	23.60	16.38	21.45	9.51	10.69	40.89	16.59	11.17	39.63	19.88
Portuguese	0.17	0.22	0.08	0.37	0.08	0.07	1.21	0.69	0.30	0.10	0.26
White	0.04	0.07	0.03	0.06	0.03	0.05	0.05	0.05	0.12	0.08	0.06
Other	0.01	0.00	0.05	0.03	0.01	0.02	0.36	0.00	0.02	0.03	0.03
Total	100	100	100	100	100	100	100	100	100	100	100

Source: Bureau of Statistics Guyana (2016)

³ Idem

⁴ https://moaa.gov.gy/indigenous-villages/ According to the LCDS 2030, Guyana has 218 Amerindian and other hinterland villages/communities. It is not clear if the text is referring only to indigenous villages/communities as it continues 'these are all considered local communities for the purpose of Guyana ART-TREES jurisdiction-scale approach'. GoG (2022) LCDS 2030, p. 43

1.3 Socio-economic, political and cultural situation

The Constitution of Guyana states in its preamble that the Guyanese people "celebrate our cultural and racial diversity and strengthen our unity by eliminating any and every form of discrimination' and 'value the special place in our nation of the Indigenous Peoples and recognise their rights as citizens to land and security and to the promulgation of policies for their communities". Article 149G states that "Indigenous Peoples shall have the right to protection, preservation and promulgation of their languages, cultural heritage and way of life."

1.3.1. Lands and territories

Dutch explorers, began to settle in nowadays Guyana during the sixteenth century. The Dutch West India Company established a fort at Kyk-Over-Al from 1616 to 1621 in what they called the County of Essequibo. This was the first fort in Guyana, which at the time had three settlements: Demerara, Berbice and Essequibo. The colonies of Essequibo, Demerara and Berbice were officially ceded to the United Kingdom in the Anglo-Dutch Treaty of 1814 and at the Congress of Vienna in 1815. In 1831 they were consolidated as British Guiana.

Guyana achieved its independence on 26 May, 1966. Prior to the independence, several ordinances had been passed by the colonial administration related to the indigenous lands. In 1951 the Amerindian Act was adopted, recognizing three categories of Amerindian lands (districts, areas, and villages), which offered a certain protection from third parties' intrusion but did not provide land tenure security for indigenous peoples. In 1967, the Amerindians Lands Commission (ALC) was established to investigate and provide recommendations to settle Amerindian land claims. Its 1969 Report contained recommendations on demarcation for the communities recognized as being in existence before 1966. The titling proposals did not cover the areas claimed by the indigenous communities.

In 2003, together with the Constitutional reform, a process was set for a substantial amendment of the Amerindian Act. The government accepted 46 of the 74 recommendations presented during national consultations and tabled the bill in August 2004. Many Amerindian groups, NGOs, and the parliamentary opposition parties opposed the new bill. The three largest indigenous organizations – APA, TAAMOG and GOIP – advocated complete withdrawal of the proposal. The main problems identified were the lack of autonomy given to community governing institutions, the degree of power held by the Minister of Amerindian Affairs, the inadequacy of land and resource rights and the use of the term 'Amerindian' rather than 'indigenous'. Nonetheless the new Amerindian Act was adopted in March 2006.⁵

Lands in Guyana are considered State property. Thus, the Amerindian Act considers land titling as a grant of State lands to indigenous communities and not as a recognition of prior indigenous rights. The law is applied in conjunction with other legal instruments, such as the State Lands Act. The law defines village lands as 'lands owned communally by a Village under title granted to a Village Council to hold for the benefit of the Village', thus there is no possibility to regularize territorial rights as only individual villages are allowed to hold title. Decision making is fully in the hands of the State. Moreover, communities may not be eligible for titling as they are required to prove existence of 25 years and a minimum population of 150 persons for the 5 years prior to application. Land rights are based mainly on residence, so indigenous traditional hunting and fishing grounds, vital for maintaining livelihoods and assuring food security, largely remain without legal title.

The Act differentiates between titled and untitled communities for the purpose of holding and exercising rights, and the vast majority of its purported protections do not apply to untitled communities and untitled, but traditional, lands. The basis for this is found in section 2, which, contrary to international law defines and limits indigenous peoples' ownership and other rights to lands and resources to only those lands which the State has decided to recognize by issuing title. The Act excludes all subterranean waters,

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⁵ Concerns on the inadequacies of the Amerindian Act have been expressed by UN Treaty Bodies (see section 2.1.2) and the IACHR (see IACHR (2019), p.64).

⁶ Reports submitted by APA GOIP in ERC (2008): Indigenous peoples' rights to lands and resources for instance, are granted by or transferred from the State rather than recognized as inherent to their status as aboriginal peoples and then regularized. In particular, the State continues to rely on colonial era legal doctrine holding that all lands, except those held under private documentary title, lie vested in the Crown (now the State) upon acquisition of sovereignty'.

⁷ IDB (2019)

rivers and creeks and other bodies of water from the title, which has allowed the Government to grant river mining permits. Subsoil resources are also property of the State, unless there is title provided before 1903. Lands granted to Amerindians could be reduced or confiscated, and the Guyana Geology and Mines Commission (GGMC) has granted mining concessions superposing indigenous lands even when the legal and administrative process of titling has begun.8

The Act establishes the procedure for the granting of property titles to Amerindian Villages and Amerindian Communities, which become Villages once the title is granted. The indigenous communities submit a request that will be assessed by Governmental institutions, which may decide modifications of the extension of lands requested. The formal process of titling involves two steps: issuance of an absolute grant of land to the community by the President and 2) demarcation and subsequent issuance of a Certificate of Title to the community. Villages can also apply for an extension of the granted title. The Act does not establish any criteria for demarcation. Several communities have repudiated the process under the Act.

In many cases, the process of granting the title can take decades. The authorities may grant title to only fractions of the claimed lands. In case the community does not agree to the titling decision, the law only provides for applying to the High Court for review. But, as pointed out by APA and GOIP, 'the possibility for indigenous peoples to successfully appeal decisions that are inconsistent with their rights are minimal, given that the law fails to set justiciable limits to the Minister's discretion.'9 Referring to the obstacles in access to justice, the IACHR observes that: [t]he High Court in Guyana has twice supported legal claims by miners to exploit land to which indigenous peoples have title. Thus, the IACHR was told about the judicial finding in the Isseneru community case. That community reportedly obtained title to its territory in 2007. Nevertheless, in 2011, a miner had begun exploration activities based on a permit obtained in 1989. In its ruling on the matter, the court took only the chronological criterion into account. Likewise, the president of the Supreme Court allegedly asserted that indigenous claims to title deeds had been invalidated (viciado) by the British conquest. 10

According to Government data, the enactment of the 2006 Amerindian Act has led to the granting of 97 titles covering 134 communities. The percentage of land mass owned by Amerindian communities increased from some 6.5% in 1991 to over 14% in 2012. With the new titles and extensions issued in 2021 and 2022, this has increased to almost 16%. ¹¹ In 2013 the Amerindian Land Titling Program (ALT) was established.12

APA has developed detailed studies of the land tenure situation of indigenous peoples for Regions 1, 2, 7, 8 and 9 and a geographic database. 13 Main findings are summarized in the following infographics.

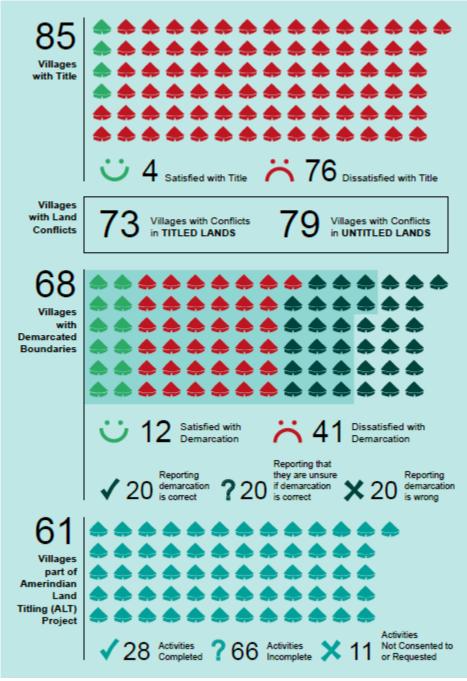
⁸ CAMACHO-NASSAR (2016); APA

⁹ ERC (2008) p. 10

⁽²⁰¹⁹⁾ párr.186. See also. https://www.forestpeoples.org/sites/fpp/files/news/2013/01/International_pressrelease_Isseneruvillage_courtruling

¹² See section 2.2.2 below

¹³ See APA (2021), APA Geographic Database at: https://experience.arcgis.com/experience/1f3739681fe64adfabd543ae9b5cfbc9/page/page_9/



Source: APA (2021)

UN treaty bodies and special procedures have called on the Government to amend the law to make it consistent with international human rights standards on the rights of indigenous peoples. ¹⁴ Just after its adoption, CERD observed that the Amerindian Act discriminated against indigenous peoples in many

¹⁴The CCPR has recently requested the Government to address in its report efforts to amend the Amerindian Act and to ensure adequate consultations with members of the Amerindian communities, answering to the concerns of the Committee that: (a) the land titling process for Amerindians has been made more complicated, yielding little progress during the period under review; and (b) inadequately regulated mining activities in the areas that Amerindians inhabit have adversely affected the demarcation of their traditional lands and caused environmental degradation and serious threats to their health. (CCPR (2020)). As a response, Guyana reported that: Guyana is proud of its unique model of communal land titling which has allowed over 100 communities to hold communal grants which are "absolute and forever". In fact, Guyana's model which emerged from two years of consultations with all Amerindian communities is the only country where indigenous peoples hold legal title to their communal land and its usage, forever. CCPR (2022), par. 347

respects, including specifically with regard to land rights.¹⁵ The CESCR expressed its concern at the limitations of the law to protect indigenous rights due, among others to: 'a) the lack of recognition and protection of indigenous peoples' customary systems of land tenure; (b) the absence of clear criteria on which Amerindian land titles were determined; (c) the limitations of indigenous communities with land titles to manage and control resources within their territories; and (d) the protection of land rights of indigenous peoples who still lacked a legal title or were in the process of obtaining it.' The CESCR recommended the revision of the Act and relevant legislation to ensure coherence with UNDRIP.¹⁶ The IDB has also stressed the need to establish an effective, fair and transparent mechanism to settle land claims.¹⁷ A commitment to amend the Act has been expressed in the Green State Development Strategy: Vision 2040.¹⁸

Massive mining in indigenous traditional lands and associated effects on human rights, including the right to a healthy environment, food and water, have been repeatedly pointed out as serious problem in Guyana.¹⁹ The inadequate regulation of mining is producing serious environmental and social damage affecting the human rights of indigenous peoples. Abduction and rape of indigenous women and girls have also been alleged.²⁰ The 2016 State of the Environment report stresses the serious problems that water and food pollution due to mining is causing in indigenous communities.²¹ The IACHR has also expressed its concern on the impacts of mining.²²

1.3.2. Participation in the life of the State

The 2006 Amerindian Act stipulates the roles and functions of the institutions at the local level. The Village Council is responsible for the administration of the village and to handle functions related to village representation; advice and strategic direction to the village, including planning and overall strategic development of the village; use and distribution of the land; preservation and growth of indigenous culture and levy or taxes on residents, among other functions. The Village Council can make rules and regulations on several matters such as the maintenance of discipline and order; the permission for business or trade and regulations on land water and environment, but the decisions are subject to the approval and/or gazetting by the Minister of Indigenous Peoples' Affairs (MoIPA) before being enacted, which subjects their autonomy to Government control. The Councils are allowed to decide on the use of communal lands, including the leasing up to 10% of the titled area.

The Village Council is made up of a Toshao, the head of the Village Council, and several Councillors, whose number is determined by the residents of the village. It is elected every three years in secret ballot by the residents. Under the Act, the Toshao is an *ex officio* justice of the peace and is given the powers and immunities of a rural constable, for which he or she receives a small stipend from the MoIPA. Only the indigenous communities that have received land titles are entitled to constitute Village Councils.

The Government considers this system to recognize 'Amerindian People right to self-determination', but indigenous organizations and UN human rights bodies have stressed the lack of power of self-

¹⁵ CERD (2006)

¹⁶ CESCR (2015); CEDAW (2019)

¹⁷ IDB (2019)

¹⁸ See below

¹⁹ CESCR (2015) expressed concern at the lack of inspections by relevant authorities on illegal mining and logging in the hinterland areas and at some court rulings that supported mining activities without obtaining the free, prior and informed consent of the affected communities. According to the UN CMCA, in Guyana, land titling and the role of extractive industries in indigenous territories (particularly mining and oil and gas), coupled with actions from law enforcement agencies, constitute major concerns. United Nations (2021) p. 63. IWGIA (2022). CASIMERO/. JAMES/ WINTER (2021).

²⁰ APA/FPP (2013)

²¹ EPA/MNR (2017)

²² According to information received about Guyana, mining has had a hefty impact on indigenous women's and girls' rights to bodily integrity and security. The absence of men in the community for prolonged periods of time reportedly means that women have to take on responsibility for households, farms, children and other community matters. That situation is exacerbated by the presence of strangers in connection with mining activities. One of the major concerns is said to be "adolescent pregnancies," harassment, and rape, accompanies by coercion, pressure from employers, inducements, the use of alcohol, and exploitation of girls. Under those circumstances, according to information passed on to the IACHR, sexual violence against young women and girls in indigenous communities, as a direct and indirect consequence of mining, has reached crisis levels. IACHR (2019) párr.171

administration of Village Councils and the fact that authorities in non-titled communities are not recognized. ²³

The Act makes provision for District Councils covering three or more villages from the same geographic area and comprising the Toshaos and one Councillor from each village. District Councils can coordinate with Village Councils to develop district-level programs for environmental protection, health, education, and culture and can also resolve disputes.²⁴ It also establishes the National Toshaos Council (NTC), comprising all the Toshaos in Guyana, and an executive committee comprising one Toshao from each region and not more than ten additional Toshaos. The NTC is mandated to meet at least once every two years and the executive committee at least twice a year. Its functions include preparing strategies for poverty reduction, health, education, and natural resource management; promoting indigenous languages; promoting good governance; providing observers for Village and District Council elections; investigating allegations of improper conduct by Toshaos; and nominating representatives to the Indigenous Peoples' Commission. The NTC receives a subvention from the Government and financial support from the MoIPA.²⁵

With regards to consultation and free, prior and informed consent, the Amerindian Act requires that non-village residents obtain the consent of the village if they want to conduct forestry or small to medium scale mining operations on titled village lands. APA states that this limits indigenous peoples' rights to participation and FPIC to titled lands which do not correspond with customary lands. The Amerindian Act does not include protection for the rights to participation and FPIC more generally, for example, in the context of decision-making on projects such as the building of hydropower dams or the adoption of policies. In addition, the Amerindian Act currently contains a notable limitation on the right to FPIC, allowing for the Government to approve large-scale mining activity in titled village lands even where a village has refused consent to the mining, as long as that mining activity is deemed to be in the public interest.

Lack of good faith consultations and free, prior informed consent in relation to mining operations have been object of communications of the UN special procedures to the Government. ²⁶ Human rights bodies have observed the lack of adequate consultation mechanisms and respect for the free, prior and informed consent of indigenous peoples in the country. CESCR has recommended that the Amerindian people's right to free, prior and informed consent was obtained in respect of the adoption of any legislation, policy and/or project affecting their lands or territories and other resources.²⁷

With regards to political participation, main political parties included indigenous candidates in their list for the 2020 national elections. 10 of the 65 seats of Parliament are held by Amerindians, members of traditional political parties.²⁸

1.3.3. Socio-economic situation

Guyana is considered a Small Island Developing State (SIDS) due to its coastal vulnerability. Guyana's Human Development Index (HDI) for 2017 was 0.654, which positions the country as medium human development, at 125 out of 189 countries. In terms of performance on SDGs, Guyana's index is 61.9, lower than the regional average, which situates the country as 104 out of 156. ²⁹ Impacts of COVID-19, including the economic downturn, continue to be serious, particularly in rural areas and on those living in the informal economy. Food insecurity risk in growing in the country. ³⁰

²³ EPA/MNR (2016), p. 37.CERD (2006)

²⁴ According to EPA/MNR (2016), '[c]ommunities also have governance structures in place at the District level to guide or reinforce the traditional shared systems and jurisdictions and also allow a space to address pertinent issues or collectively agree on issues to be addressed by regional or central governments (David et al, 2006). These structures are evident only in Region 9, with the North Rupununi District Development Board (NRDDB) and its equivalent, the South Central District Development Council (SCDDC).'

²⁵ On current situation, IWGIA (2022)

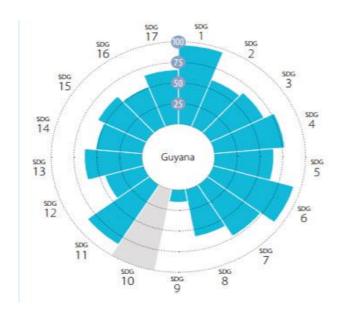
²⁶ UNSR on the rights of indigenous peoples (2022)

²⁷ Human Rights Council (2019)

²⁸ CCPR (2022)

²⁹ Ministry of Finance (2019) VNR

³⁰ FAO, CARICOM, CDEMA, WFP (2022)



Guyana. Average performance by SDG Source: Ministry of Finance (2019), First Voluntary National Review

According to the 2017 study developed by the Government of Guyana and UNICEF, the health, education and socio economic indicators for the indigenous population in the country are at the bottommost.³¹ The SDGs Voluntary National Report (VNR) notes that the socio economic deficiencies in the country are generally more prevalent in the case of indigenous peoples.³² There is a lack of disaggregated and relevant data on the socio-economic situation of indigenous peoples.

UNICEF report notes that the 2011-2015 Poverty Reduction Strategy Paper mentioned that "the Indigenous [Peoples] continued to exhibit the highest poverty level in Guyana". For 2006, poverty rates in the Regions with highest indigenous populations were two to three times higher than the national average. In the rural hinterlands the poverty rate was 74 percent and extreme poverty was 54 percent, in comparison where urban and coastal areas where the rates were 19 percent and 7 percent, respectively. Analysis from the 2014 MICS showed similar results. Most of the populations living in the hinterlands (Regions 1, 7, 8 and 9) are in the poorest quintile, and live in a more vulnerable situation. The 2016 State of the Environment Report notes that the proportion of people living in extreme poverty in Guyana fell from 28.7 percent to 18.6 percent between 1993 and 2006, and that during the same period, the percentage of people living in moderate poverty fell from 43.2 percent to 36.1 percent. While the incidence of poverty has declined since 1999, it remains particularly marked among the indigenous and rural interior populations, children and young people below 25 years old. 4

UNICEF report concludes that '[f]or most of the Indigenous Peoples, poverty is not only lack of monetary resources, but it involves access to land, culture, medicine, food, education and safety. Despite this holistic and multi-faceted approach on poverty that was found in the indigenous villages, it is clear that many people live in deep vulnerability and some depend on help from their neighbours and/or religious or not-for-profit organisations to have the bare minimum. Some Indigenous Peoples might not consider themselves poor, but a great number of them live without the means to have three meals a day, or the money to buy basic products.' ³⁵

Taking as proxy for indigenous households the available data for the hinterland regions, UNICEF report points out that access to basic services is much lower than in the coastal areas. Thus, 44 percent of the hinterland households do not have access to electricity (compared to 13 percent as national average and 6 percent in urban areas). Unemployment and lack of employment opportunities is identified as a major problem for males and females, which drives to male migration.

³¹ UNICEF (2017)

³² Ministry of Finance (2019) VNR

³³ Bureau of Statistics (2014) MICS- 2014

³⁴ Ministry of Finance (2019) VNR, p.9

³⁵ UNICEF (2017), p. xi

Trafficking in persons has been pointed out as a serious problem affecting Amerindian women and girls.³⁶ The Ministry of Labour, Human Services and Social Security reported 158 victims of human trafficking between 2013 and 2015 that could be identified by their ethnicities. One in every four victims of trafficking identified in Guyana was an indigenous person, most of them women.³⁷

The IDB 2019 survey on indigenous peoples in Guyana reflects the results of the situation in 11 villages. Apart from stressing that land rights and land use continue to be the main concerns in the communities studied, the report concludes that '[t]he most significant issue confronting the villages in the sample is the lack of economic vitality', and points out the deficiency in basic services in indigenous communities.³⁸

According to the 2016 State of the Environment Report, indigenous peoples in Guyana practice now a mixed economy of subsistence (farming, fishing, hunting, gathering) and cash-based activities (forestry, mining, selling of crops). Some communities have developed community-based enterprises as additional resources, especially in the ecotourism sector and the provision of environmental services. ³⁹ UNICEF report considers that achieving sustainable revenue is a big struggle for most of the indigenous communities: '[t]hose villages that are fortunate enough to have resources such as gold, logging or tourism can charge royalties and use them as a source of income for the village. Those villages that do not have these resources, live in very delicate financial situations. For example, in Paramakatoi, according to the Village Council, the only revenue that they have comes from the government grants and from the money that public employees (education and health) receive. These are the ones moving the local economy.' ⁴⁰

1.3.3.1. Language, culture and education

There are three indigenous language families in Guyana. The most extensive and predominant was Arawak-Taino. In the hinterland, all the indigenous peoples spoke Carib languages, with the exception of the Wapishana, who are within the Taino-Arawak linguistic family.

The call for preservation of the indigenous traditions, culture and "way of life" has been constantly mentioned in different statements from different Government officials. But according to UNICEF survey, lack of adequate education in native languages, amongst other factors, seem to indicate a decline on the use of indigenous languages in some communities.

Guaranteeing a good quality of education in primary and secondary schools for the indigenous children is one of the main challenges related to education in the country. In 2014, only 40% of indigenous children were enrolled in nursery school (20% lower than the country's average). Only 53% of indigenous children reach the final years of secondary education and school dropout rates are high. 41 20.3% of indigenous children of secondary age are out of school, in comparison with 13.2% national average. Illiteracy is higher in the hinterland (16.5% versus 10% in the coastal areas). The Government recognizes the inequalities between hinterland and coastal areas in terms of education, and the successive Education Strategic Plans reiterate the priority to focus in addressing these differences, but problems remain. 42

UNICEF report identifies the following factors as influencing the quality of education in the hinterland: (i) lack of qualified teachers and resources such as books and learning materials, among others; (ii) poor infrastructure at the schools, including buildings that are old; lack of computers and access to the internet and lack of science labs in general; (iii) Language barriers; and (iv) the curriculum is still too centred on topics that are not part of the reality of indigenous children living in the hinterlands.⁴³

Indigenous organizations have denounced the low quality of education provided to indigenous children and the general lack of resources. 44

³⁶ ERC (2008); IACHR (2019) párr.214

³⁷ UNICEF (2017)

³⁸ IDB (2019)

³⁹ EPA/MNR (2016) p.40

⁴⁰ UNICEF (2017) p. 25

⁴¹ UNESCO UPR 2020; UNICEF (2017)

⁴² Ministry of Education (2013) and (2020). Also Indigenous Peoples Plan in box below

⁴³ UNICEF (2017) p. XVI

⁴⁴ ERC (2008)

1.3.3.2 Health

Lack of disaggregated data makes it difficult to have a clear picture of the health situation of indigenous communities in Guyana. UNICEF underlines the higher maternal mortality in the hinterlands. Child mortality for indigenous children is 12/1,000 live births, in comparison with a national average of 8/1,000. The nutritional status of indigenous children is also worse than the national media: in terms of stunted children, the prevalence is double than in the other ethnic groups.⁴⁵ In a general context of high rates of adolescent pregnancy, indigenous girls in Regions 1, 7 and 8 experience the highest rate of teenage pregnancy among all ethnic groups.

The 2016 State of the Environment report provides data from the National Development Strategy 2001-2010 noting the incidence of water borne diseases, such as diarrhoea, including linked to the water pollution due to mining. Health problems linked to mining operations on indigenous lands, such as effects of mercury pollution, have been stressed by indigenous organizations and UN and Inter American human rights bodies. The IACHR notes that average life expectancy is especially low for the indigenous peoples, and that numerous communities are reportedly disproportionately hard hit by malaria and environmental pollution, specifically in the form of rivers contaminated by mercury and bacteria from mining activities in the areas they inhabit.

Respiratory illnesses and malaria have a high prevalence. In the communities studied in the IDB survey, communicable diseases, such as malaria, dengue, influenza, pneumonia, and tuberculosis, were more frequent than non-communicable diseases such as diabetes, cancer, and cardiovascular disease. The UNICEF study mentions diarrhoea, common cold and malaria as the most common health issues affecting indigenous children. Cervical cancer was reported as an important issue for indigenous women. Data are very limited on the HIV/AIDS prevalence among indigenous peoples. The report points out to an increase in suicide in indigenous communities.

The lack of adequate health services is a common problem in the hinterland regions, including personnel and facilities.⁴⁸ In all the villages included in the UNICEF report, health professionals and people living in the community reported the lack of medicines, vaccines, specialised staff, and other inputs for the quality of health of the population in general.

⁴⁵ UNICEF (2017) p.30

⁴⁶ ERC (2008); CERD (2006)

⁴⁷ IACHR (2019) par. 156

⁴⁸ UNCT (2020); IDB (2019)



Percentage of children under age 5 who are stunted, Guyana, 2014
Source: Bureau of Statistics, Ministry of Public Health and UNICEF Guyana (2015) based on MICS 2014

1.4. Obstacles to the exercise of the rights

According to the issues identified by indigenous organizations in the consultation on the situation of Amerindians organized by the ERC in 2008, the main problems faced by indigenous peoples in Guyana are: ⁴⁹

- Overall discrimination against Indigenous Peoples
- Inadequate recognition of their rights to their lands, territories and natural resources. The main priority for indigenous organizations is the full recognition of indigenous land rights in accordance with international human rights standards, including the amendment of the Amerindian Act to this effect
- Inadequate recognition of the right to self-determination, including self-government
- Lack of adequate consultation and respect for FPIC, including in the regulation of mining on their lands and territories
- Impacts of mining on indigenous lands and territories
- Lack of quality basic services, and of culturally suitable public policies, including on education and health

2. Legal and institutional framework

2.1 International

2.1.1 International instruments ratified by the country

At the regional level, Guyana has not ratified the American Convention on Human Rights and the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights.

The country is covered by a National Human Rights Advisor deployed to the UNCT. Guyana has no standing invitation for UN Special Procedures and has received few official visits.

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⁴⁹ ERC (2008)

International human rights and environmental instruments ratified by Guyana

International human rights and environmental instruments rati		
Instrument/Treaty	Status	Year
Human Rights Treaties		
International Covenant on Civil and Political Rights	ratified	1977
CCPR Optional protocol I	party	
International Covenant on Economic, Social and Cultural Rights (ICESCR)	ratified	1977
International Convention on the Elimination of All Forms of Racial Discrimination (CERD)	ratified	1977
Convention on the Rights of the Child (CDN)	ratified	1991
CRC Optional Protocol on the involvement of children in armed conflict	ratified	2010
CRC Optional Protocol on the sale of children, child prostitution and child	ratified	2010
pornography Convention against Torture and Other Cruel Inhuman or Degrading Treatment or	ratified	1988
Punishment (CAT)		
Optional Protocol	Not ratified	
Convention on the Elimination of all forms of discrimination against women (CEDAW)	ratified	1980
International Convention on the Protection of the Rights of All Migrant Workers and members of their Families (CMW)	ratified	2010
Convention for the Protection of All Persons from Enforced Disappearance (CED)	Not ratified	
Convention on the Rights of Persons with Disabilities	ratified	2014
Environmental treaties and agreements		
Convention on Biological Diversity	ratified	1994
Cartagena Protocol	ratified	2008
Nagoya Protocol		2014
United Nations Framework Convention on Climate Change	ratified	1997
Kyoto Protocol	ratified	2003
Paris Agreement	ratified	2016
United Nations Convention on Fight Against Desertification	ratified	1997
Regional Agreement on access to public information, public participation and	ratified	2019
access to justice in environmental issues in Latin America and the Caribbean		
(Escazú Agreement)		
Indigenous Peoples' rights instruments		
ILO Convention number 169 on the rights of indigenous and tribal peoples in	not ratified	
independent countries		0007
United Nations Declaration on the Rights of Indigenous Peoples	vote in favour	2007
American Declaration on the Rights of Indigenous Peoples		2016

2.1.2 Jurisprudence and relevant information from the UN and Inter-American human rights systems

References of jurisprudence, observations and recommendations of the UN and IA human

	rights systems regarding indigenous peoples in Guyana		
United Nati	ons		
Human Rights Council Universal Periodic Review	Guyana underwent UPR in 2010, 2015 and 2020. Recommendations on the rights of indigenous peoples were made in all the sessions, and some of them have been accepted by the Government. ⁵⁰		
Special Proc	edures		
UNSR on the rights of indigenous peoples	There have been no official visits of the UNSR to the country, and few communications with the Government. In 2006, the SR expressed concern over the process of review of the Amerindian Act. In 2022, the SR has addressed the Government on a large-scale mining operation by Canadian-based Golden Shield Resources, in the absence of good faith consultation and without the free, prior and informed consent of the Wapichan indigenous peoples of South Rupununi, (Communication JAL GUY 1/2022) ⁵¹		

 $^{^{50}}$ Matrix of recommendations available at: https://www.ohchr.org/en/hr-bodies/upr/gy-index 51 https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gld=27211

Treaty Bodies

In its 2006 Concluding Observations, CERD noted the use of the term Amerindian, recommending consultation to indigenous peoples to clarify if such was the preferred term. It expressed its concern on the Amerindian Act, as 'decisions taken by the Village Councils of indigenous communities concerning, inter alia, scientific research and large scale mining on their lands, as well as taxation, are subject to approval and/or gazetting by the competent Minister, and that indigenous communities without any land title ("untitled communities") are also not entitled to a Village Council' and urged the State party to remove the discriminatory distinction between titled and untitled communities in all legislation, including the Amerindian Act and to 'recognize and support the establishment of Village Councils or other appropriate institutions in all indigenous communities, vested with the powers necessary for the self-administration and the control of the use, management and conservation of traditional lands and resources.' CERD also expressed deep concern 'about the lack of legal recognition of the rights of ownership and possession of indigenous communities over the lands which they traditionally occupy and about the State party's practice of granting land titles excluding bodies of waters and subsoil resources to indigenous communities on the basis of numerical and other criteria not necessarily in accordance with the traditions of indigenous communities concerned, thereby depriving untitled and ineligible communities of rights to lands they traditionally occupy', urging the State to 'to recognize and protect the rights of all indigenous communities to own, develop and control the lands which they traditionally occupy, including water and subsoil resources, and to safeguard their right to use lands not exclusively occupied by them, to which they have traditionally had access for their subsistence, in accordance with the Committee's General Recommendation No. 233 and taking into account ILO Convention No. 169 on Indigenous and Tribal Peoples. It also urges the State party, in consultation with the indigenous communities concerned, (a) to demarcate or otherwise identify the lands which they traditionally occupy or use, (b) to establish adequate procedures, and to define clear and just criteria to resolve land claims by indigenous communities within the domestic judicial system while taking due account of relevant indigenous customary laws.' Regarding the 'extensive exception to the protection of property in Article 142(2)(b)(i) of the Constitution of Guyana, authorizing the compulsory taking of the property of Amerindians without compensation "for the purpose of its care, protection and management or any right, title or interest held by any person in or over any lands situated in an Amerindian District, Area or Village established under the Amerindian Act for the purpose of effecting the termination or transfer thereof for the benefit of an Amerindian community." CERD recommended the State 'afford nondiscriminatory protection to indigenous property, in particular to the rights of ownership and possession of indigenous communities over the lands which they traditionally occupy. It also recommends that the State party confine the taking of indigenous property to case s where this is strictly necessary, following consultation with the communities concerned, with a view to securing their informed consent, and to provide these communities with adequate compensation where property is compulsorily acquired by the State, as well as with an effective remedy to challenge any decision relating to the compulsory taking of their property.'

On 14 December 2018, the Committee sent a letter to the Government of Guyana raising its concern about allegations that the draft environmental and social impact assessment on the Marudi Mountain mining project had been carried out without the full participation of the Wapichan indigenous people. The Committee requested information on steps taken to repeal the draft environmental and social impact assessment, to conduct an environmental and social impact assessment with the full participation of all indigenous peoples affected by the mining project, and to suspend it until their free, prior and informed consent had been obtained.

In its 2013 Concluding Observations, the CRC expressed its concern for the discrimination against indigenous children. It also recommends Guyana to take measures to ensuring access to information on HIV/AIDS for Amerindians, and expressed its concern on the higher rats of poverty in rural and Amerindian areas.

In its 2019 Concluding observations, CEDAW expressed concerns for: a) the insufficient consultation of rural and Amerindian women and girls in the development and adoption of policies and legislation that affect their lives; (b) The failure to recognize collective land rights of Amerindian communities, which disproportionately affects women and girls, as they depend on traditional lands for their livelihoods; (c) Rural and Amerindian women and girls are disproportionately affected by climate change, oil and gas production, and water pollution and deforestation caused by mining activities; (d) Rural and indigenous girls have limited access to health services, in particular sexual and reproductive and mental health services, education, financial support for examination fees, economic empowerment programmes, employment opportunities, women's leadership programmes and bank accounts and loans in hinterland areas. It recommended that the State party: (a) Ensure that rural and Amerindian women and girls are consulted in the development and implementation of policy and legislative measures, including through organizations representing them, district and village councils, the Women and Gender Equality Commission and the Indigenous People's Commission, in line with commitments made during the universal periodic review (A/HRC/29/16, para. 130.75); (b) Amend the Amerindian Act

CERD

CRC

CEDAW

(2006) and other relevant laws, using a gender-sensitive approach, with a view to ensuring that the rights of Amerindian communities to their lands, territories and resources are fully recognized and protected, in accordance with the United Nations Declaration on the Rights of Indigenous Peoples; (c) Amend part IV of the Environmental Protection Act (1998) to include a gender assessment in all environmental impact assessments and establish a mechanism to monitor the implementation of those assessments and to guarantee that rural and Amerindian women can fully contribute to the development of the country through its Green State Development Strategy: Vision 2040, give their free, prior and informed consent before any development, business, agroindustrial or extractive projects affecting their traditional lands and resources are initiated, whether carried out by national or foreign enterprises, can take advantage of adequate benefit-sharing agreements and are provided with adequate alternative livelihoods, in accordance with the Indigenous and Tribal Peoples Convention, 1989 (No. 169), of the International Labour Organization; (d) Reinforce targeted action, in consultation with rural and Amerindian women and girls, to ensure that they have access to basic services and infrastructure, including sexual and reproductive, mental and other health services, education, including in their own languages, financial support for examination fees, economic empowerment programmes, employment CEDAW/C/GUY/CO/9 14/16 19-12972 opportunities, women's leadership programmes, including the youth entrepreneurship and apprenticeship programme, bank accounts and loans, and to create employment and income-generating opportunities in hinterland areas.

In its 2015 Concluding Observations, CESCR expresses concern on the difficulties of Amerindian

people to access justice to claim their rights and obtaining remedy, and about the limitations of the Amerindian Act to recognize and protect the rights of indigenous peoples due to: (a) The lack of recognition and protection of indigenous peoples' customary systems of land tenure or customary laws pertaining to land and resource ownership and the lack of recognition of collective territories that are held jointly by several communities; (b) The absence of clear criteria based on which Amerindian land title areas are determined; (c) The limitation of indigenous communities with land titles to manage and control resources within their territories; (d) The lack of protection of the land rights of indigenous peoples who still lack a legal land title or are in the process of obtaining one; (e) The broad range of exceptions that allow mining and logging activities by external investors without the free, prior and informed consent of the affected indigenous peoples; (f) The absence of effective legal remedies by which indigenous peoples may seek and obtain restitution of their lands that are held by third parties (art. 1). CESCR recommends the State to review the Act and relevant laws to ensure that, 'in accordance with the United Nations Declaration on the Rights of Indigenous Peoples, that the Amerindian people's rights to their lands, territories and resources are fully recognized and protected and that their free, prior and informed consent is obtained in respect of the adoption of any legislation, policy and/or project affecting their lands or territories and other resources. It also recommends that the State party consider ratifying the International Labour Organization Indigenous and Tribal Peoples Convention, 1989 (No. 169).' CESRC also expressed concern at the 'the problems faced by Amerindian people in obtaining their land titles, including delays in the process despite the statutory time frame, and the lack of inspections by relevant authorities on illegal mining and logging in the hinterland areas. It is also concerned at some recent court rulings that support mining activities without obtaining the free, prior and informed consent of the affected communities' recommending Guyana to take measures: (a) To make the title granting process easily accessible for the Amerindian communities and more time efficient; (b) To strengthen the inspections of mining and logging activities in hinterland areas, including by improving the human and financial capacities of the inspection bodies; (c) To ensure that the interpretation and implementation of the Amerindian Act 2006 and other relevant laws take into account the United Nations Declaration on the Rights of Indigenous Peoples.' The Committee also requested the State to collect disaggregated data on employment and labour market situations and adopt the necessary measures to combat poverty and unemployment among Amerindians, amongst other groups. Regarding right to health, the CESCR expressed its concern on the health situation of

CESCR

Inter American and Caribbean Human Rights Systems

Caribbean Court of Justice

IACHR

Guyana has accepted the appellate jurisdiction of the CCJ

the provision of relevant services to Amerindians.'

Country visit 2016 https://www.oas.org/es/cidh/prensa/comunicados/2016/148.asp

indigenous peoples, including limited access to sexual and reproductive health-care services, and recommended 'To combat malaria, tuberculosis and HIV/AIDS and to provide adequate and timely treatment to those affected by those epidemics, with particular focus on the existing gap in

- IACHR (2019) report on the situation of the human rights of indigenous and tribal peoples
 of the pan-Amazon region analyses the situation in Guyana.
- In December 2021, the IACHR approved the report on admissibility and merits on the case Akawaio Indigenous Community of Isseneru and its members, Guyana.

2.2 National

2.2.1. Legal framework

Constitution	The Constitution of Guyana states in its preamble that the Guyanese people "celebrate our cultural and racial diversity and strengthen our unity by eliminating any and every form of discrimination' and 'value the special place in our nation of the Indigenous Peoples and recognise their rights as citizens to land and security and to the promulgation of policies for their communities". Article 149G states that "Indigenous peoples shall have the right to protection, preservation and promulgation of their languages, cultural heritage and way of life." Article 212S (1) of the Constitution establishes the Indigenous Peoples' Commission, which has a mandate to "enhance the status of Indigenous Peoples, and to respond to their legitimate demands and needs."
Amerindian Act 2006	The legal and institutional framework applicable to Indigenous Peoples in Guyana is governed by the Amerindian Act 2006. The Act provides "for 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". Among other things it lays out the Governance structure, composition, function and power of the Village Councils and mandate/duties of the Toshao as village representative. The Act further established the National Toshao Council (NTC). Additionally the Amerindian Act 2006 established the inalienability of village lands and the allocation and lease of lands to residents. Concerns on the lack of coherence of the Act with internationally recognized rights of indigenous peoples has led to numerous calls for reform.

2.2.1 Institutions, policies and initiatives

2.2.1.1. Specific initiatives addressed to indigenous peoples

The Ministry of Indigenous Peoples' Affairs (MoIPA) and the Indigenous Peoples' Commission carry out the mandate of engaging with indigenous peoples and providing support to indigenous villages. The Ministries of Health, Education and Social Protection do not have any specific policy directed to the indigenous peoples in Guyana.

The Constitution established the Indigenous Peoples' Commission, required to "promote consultation and cooperation with Indigenous Peoples especially with regard to their participation in national decision-making and other decisions that affect their lives".⁵²

The MoIPA was established in 1992. The Ministry's mandate is to recognize and protect the collective rights of Amerindian villages and communities. The Ministry is in charge of the implementation of projects directed to the indigenous peoples of the country. Its stated mission is "to enhance the social, economic and environmental well-being of Indigenous Peoples and their lands through collaboration, sustainable development and appropriate legislation, while at the same time ensuring the preservation of Indigenous culture and traditional knowledge." The MoIPA is represented at the sub-district level by a Community Development Officer (CDO), in charge of a group of communities. ⁵³

MoIPA is in charge of several projects, including the Presidential Grant, the Community Development Plans and the Amerindian Titling Project, and implements the Amerindian Development Fund (ADF) in partnership with UNDP. The Amerindian Land Titling Project (ALT) ⁵⁴ and the ADF receive funding from the Guyana REDD+ Investment Fund (GRIF). ⁵⁵ Other programs and funds are the Hinterland

⁵² Articles 212S and 212T

⁵³ Also called in the past Ministry of Amerindian Affairs. https://moaa.gov.gy/

⁵⁴ UNDP (2013)

⁵⁵ See below, section 5. Also https://www.guyanareddfund.org/index.php/arif-projects/amerindian-development-fund

Employment Youth Service Programme (HEYS) and the Indigenous Heritage Funds for Heritage Celebration, that happens in September of each year, aiming to affirm and preserve Indigenous customs, language and traditions by showcasing the works, literature and art of Indigenous.⁵⁶

The Presidential Grant funds projects submitted by the Villages and approved by the MoIPA. Villages and communities receive specific sums, which range from G\$500,000 to G\$2,000,000 according to population size. Projects supported by the Grant include transportation, agricultural projects, machinery and equipment, tourism and productive infrastructure.

The Capital Project (part of the ADF) funds projects submitted by communities and considered critical, and especial requests made at the Annual National Toshaos' Council Meeting. Some of the projects supported include: women's small businesses (Sewing Centres), documentation centres, multi-purpose buildings, Village offices, guest house/eco lodges, community centres, cassava mills, pavilions, upgrading of trails and construction of bridges.⁵⁷

The Community Development Plans (CDP) are funded through the ADF. Proposed projects must be approved at a Village Council general meeting. According to the LCDS 2030, the two phases of the ADF have funded the implementation of the CDPs of Amerindian communities and villages. The first phase funded 26 communities and villages and the second phase funded 154 communities and villages. The project aimed to strengthen the entrepreneurial and institutional capabilities of the village economies of Amerindian communities; improve linkages with the private sector to further develop value chains; and strengthen institutional frameworks to support local economies. CDPs implemented were categorised under the sectors: agriculture, village infrastructure, tourism, manufacturing, village business enterprise, and transportation. Between both phases of the project, the CDPs of 180 communities and villages were funded and plans implemented for an approximate value of 4,412,540 USD.

In 2013 the Amerindian Land Titling Project was started with funding from GRIF. It was a response to the demands of indigenous communities in the country for all outstanding land and territorial issues be resolved before any LCDS/REDD+ projects that may affect customary lands and resources could proceed. The initial project received strong criticism as not been based on prior consultation, and overall lack of community engagement in decision making. Community mapping initiatives were not taken into account. The main problem was that it was based on procedures set in the Amerindian Act, disregarding the recommendations made by UN treaty bodies, among others, to harmonize this piece of legislation with international standards on the rights of indigenous peoples, as mentioned above. Further, it did not contained a clear and fair process for describing which areas would be eligible for recognition, or when.⁵⁸

The project intended to resolve outstanding titling in 68 communities by 2016. By the project end, titles had been granted to only 17 villages. Some of the problems for the slow implementation were described in the 2016 mid-term evaluation report. No titles were issued or extended between 2016 and 2018. In 2017 a *Guideline for Amerindian Land Titling in Guyana* was endorsed by the Amerindian Land Titling Project Board. The *Guideline* includes criteria and procedures for the land titling process, stakeholder involvement, consultation and FPIC, and for a Grievance Redress Mechanism. 60

According to the LCDS 2030, in 2021, a new work plan was finalised to revitalize the project to meet its objective of processing all outstanding requests for land titling, demarcation, and extensions. Up to this moment, the project has completed 21 demarcations and issued 19 Certificates of Title, along with 13 Absolute Grants. The requests for the issuance of 32 Absolute Grants, 47 demarcations and 49 Certificates of Title will now be addressed. A reinforced 'Grievance Redress Mechanism' and a new communication strategy will complement all aspects of the ALT Project. ⁶¹

58 See: APA http://apaguyana.weebly.com/climate-change-and-low-carbon-development-initiatives.html)

⁵⁶ IWGIA (2022) on the suspension of the HEYS Programme and on the inadequacy of Government support to indigenous peoples.

⁵⁷ https://moaa.gov.gy/capital-projects/

⁵⁹ CAMACHO-NASSAR (2016). The procedure adopted for the titling process in the first phase of the ALT Project, particularly the physical demarcation of boundaries by accredited surveyors, which had the effect of paralyzing the process. See IWGIA https://www.iwgia.org/en/guyana.html.

⁶⁰ MoIPA (2017) Guideline. APA has requested these Guideline to be applied consistently in the titling process. APA (2021)

⁶¹ LCDS 2030, p.65. UNDP describes the project as follows: *UNDP* is working with the Guyana government on the streamlining of the Indigenous Peoples' access to land rights by supporting Amerindian Land Titling in Guyana. This procedures for land titling, including: the application; investigations to address land use conflicts and to confirm

2.2.2.2. General development framework

The main overall development strategy of Guyana is the *Green State Development Strategy: Vision 2040.*⁶² UN Environment, with contributions from the UNCT, supported the Government's consultative formulation. It is a 20-year strategy with the objectives of providing a good quality of life for all its citizens based on sound education and social protection, low-carbon and resilient development, new economic opportunities, justice, and political empowerment.⁶³

Correlation of the Green State Development Strategy: Vision 2040 and SDGs



Source: Ministry of Finance (xxx) First Voluntary National Report

The *Strategy* identifies several development objectives: A) a sound fiscal and monetary policy; B) Sustainable management of natural resources; C) green and Inclusive Economies Diversification; D) transition to renewable energy; E) Resilient Infrastructure, Green Towns and Urban Public Spaces; F) Trade, Investment and International Cooperation; G) Healthy, Educated and Socially Cohesive Population; and H) Good Governance, Transparency and Knowledge Management.

As part of the processes needed to manage natural resources wealth, the *Strategy* proposes a revision of the Amerindian Act (2006) through an inclusive and consensual process based on free, prior and informed consent to address issues of concern to indigenous peoples and bring the Act in line with international obligations. This review must consider the broad question of rights to all lands, including customary lands, the powers of the minister and large-scale mining on indigenous lands, among other issues.⁶⁴

Green State Development Strategy: Vision 2040 and Indigenous Peoples

the physical, traditional, cultural association and spiritual attachment to the land; dispute resolution; and cadastral survey and demarcation are based on the principles of Free, Prior and Informed Consent (FLIP) and complies with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). The Indigenous Peoples are fully represented and engaged in decision making in the land titling process at all levels including the Executive (Ministry of Indigenous Peoples Affairs), Communities/Villages and the Project Board, where they participate directly and through their representation on the nationally recognized National Toshaos Council (NTC) and prominent Indigenous Non-Governmental Organizations. To assist the NTC to better engage with the process, one of the officers of the Amerindian Land Titling team is providing dedicated support as a liaison to the villages for consultation and information sharing. UNCT (2020)

⁶² GoG (2019)

⁶³ UNCT (2020)

⁶⁴ GoG (2019), p.3

Manage Natural Resource Wealth

B1.2 Establish a national physical development plan to guide national land use. A physical development plan enables informed and science-based decision-making for the country's long-range, social, economic and physical growth. Its coverage is all of Guyana with specific strategies for land development and criteria for zoning of lands for specific purposes. Land use includes but is not necessarily limited to residential, commercial, industrial, institutional, agricultural, tourism and urban development, wildlife, conservation/forestry and protected lands. The objective is development and land use planning and control between competing &/or conflicting land uses. The physical plan allocates beneficial uses of land in coherence with the National Land Policy (NLP) and promotes strategies that enshrine standard methods of geo-spatial mapping and sharing of geospatial data within the natural resources sector. The physical development plan should also be consonant with existing regional development plans of regional governments or village improvement plans of indigenous communities

B1.4 Preserve the traditional agricultural practices of indigenous communities. Traditional agricultural methods practiced by indigenous communities e.g. rotational cropping provide conservation co-benefits. Their traditional forms of cropping have sustained their lifestyles and communities over centuries. These should be documented, studied and perpetuated in Amerindian-titled lands. Cultivars of fruits and other crops (e.g. cassava) used by indigenous communities have shown resistance to drought, floods and pests. B3.2 Leverage GFC's expertise to guide improved forest monitoring and management within other land ownership categories. GFC's management expertise should be available to other categories of land ownership. Over the long term, this might be more formalised following extensive and prior consultations with private land owners and with the "free, prior and informed consent" of indigenous communities. The objective is to strengthen the national forest monitoring system overall among all stakeholder categories and to ensure continued minimum rates of deforestation

B3.4 Strengthen Community Reporting, Monitoring and Verification (CMRV) Programmes of indigenous communities. Indigenous communities apply traditional methods for keeping forest resources in balance over centuries. It is important that these are validated for conservation of forest health and forest cover, and for monitoring and preventing deforestation e.g. from unsustainable mining practices. Indigenous lands amount to 15% of Guyana's total land area, which make these communities an important resource for continued forest management in the long term

B3.5 Implement provisions under the Amerindian Act 2006 that mandate Amerindian village councils to manage forest resources. The Act accords Amerindian communities' autonomy over their lands. However, completion of the land titling project is the priority, along with timely payment of royalty fees from mining activities conducted on indigenous lands. Importantly, the development of village improvement plans that are also required under the Act, could be better supported and advanced to give effect to forest management objectives. Indigenous communities could be better motivated to drive forest production value added and resource management, verification and reporting. Incentive schemes to reduce mining impacts might also be considered to ensure that mined-out land is rehabilitated and on a timely basis.

B3.8 Continue the monitoring, control and reporting on wildlife trading (legal and illegal). Wildlife trading among forest dwellers and communities forms part of traditional activities. Amerindian communities have an intimate understanding of and connection to the forest ecosystem, which provides for their families' nutritional needs. They are therefore good guardians and stewards of forest ecosystem health especially in remote areas and have a stake in the monitoring and control of illegal hunting and trading of wildlife species. [...]

B4.1 Prioritise the allocation and establishment of a total of 2 million hectares of land for legal protection. The priority is for protection of lands below 4oN latitude that serve as the headwaters for the Essequibo, Rupununi, Takatu rivers among other tributaries, contain varied ecosystems, habitats and wildlife such as, the Rupununi savannas and forest ecosystems of the Kanuku and Pakaraima Mountains. These lands also support key Amerindian communities (Makushi, Wapishana and Wai-Wai). Protected area allocations should not unduly burden or affect these communities but include them as custodians, partners and/or beneficiaries [...]

Development Objective B: Sustainable Management of Natural Resources

- **B1. Land Resources**
- **B3. Forest Resources**
- **B4. Biodiversity and Ecosystem Services**
- B5. Precious Metals, Mineral and Aggregate Resources
- **B6. Traditional Knowledge and Practices**

B5.2 Research and study options for using financial securities to rehabilitate mining sites. The objective is to rehabilitate mined-out sites in a timely manner and to an appropriate standard to safeguard public safety, amenities and potential impacts, and return the site to more productive uses (a green economy investment). [...], rehabilitating mined-out sites on indigenous lands should always be undertaken in accordance with their rights to free, prior and informed consent.

B6.1 Indigenous communities' traditional systems have endured over centuries and their conservation is a priority for maintaining cultures, livelihoods and communities, community health and wellbeing. Indigenous land tenure rights and security of tenure form the basis of preserving in perpetuity the health and welfare of indigenous communities, peoples and lifestyles, traditions and knowledge. Land titling of indigenous lands must be determined to ensure that traditional and sacred lands and burial grounds are included and remain connected to these communities. In addition, preservation of indigenous lands for the purposes of maintaining their farming practices, livelihoods and living conditions is a priority. Adherence to the provisions of international instruments, such as Aichi Biodiversity Target #18 of the Convention on Biological Diversity; the United Nations Declaration on the Rights of Indigenous Peoples and ILO's Indigenous and Tribal Peoples Convention, 1989 (No. 169) provide guidance to formulate specific action in this respect.

B6.2 Traditional indigenous knowledge is valid and contains valued information on preservation and use of Guyana's key natural resources, particularly forests. The primary responsibility for the preservation and promotion of traditional knowledge and practices lies with indigenous communities and/or their village councils. In that regard, they are to be supported in prioritised preservation efforts regarding traditional lifestyles, land uses and practices, including but not necessarily limited to their traditional forms of medicines, crop farming, food and related products, languages and dialects, art, music, folklore and oral traditions, creative arts and other forms of entertainment. Any research or scientific studies, reporting and/or documentation of knowledge and practices, wherever supported by external institutions or individuals shall be in accordance with indigenous rights of "free, prior and informed consent".

B6.3 Traditional knowledge and practices should be considered in the design and delivery of public services and programmes. Public information on government services and programmes should be available in the main indigenous languages. Decision-makers should, however, apply discretion in selecting the languages and dialects of the indigenous nations most suited to the purpose of conveying information in the most satisfactory manner

Build Human Capital and Institutional Capacity

G1.2 Preventive care and treatment are prioritized for ante-, intra- and postnatal care. Pregnant mothers are particularly vulnerable to occurrences of mortality and morbidity of infants for reasons related to poverty and unhealthy living conditions, domestic violence and abuse, neglect and/or distance from a heath post or centre. The priority is **constant surveillance of poor, indigenous and rural communities** where the problems might be concentrated to ensure timely, accessible and continuing care for mothers, infants and families

G1.4 Quality healthcare is attainable by the most vulnerable in society. Vulnerable, at-risk and disadvantaged persons and groups e.g. [...], indigenous communities, [...], are targeted at all levels of the health system. Priority is given to ensuring that these groups have key information on preventive care and treatment and are monitored by health workers.[...]

G1.5 Indigenous traditions of medicine and wellbeing are respected and preserved. As "first peoples", indigenous communities have persisted through generations and over centuries. Their traditional lifestyles and medicines are valued and treasured in perpetuity. Their rights to "free, prior and informed consent" prevail on matters related to use and application of health system services, treatment and information. Communities are closely monitored to ensure that the vital signs of good health, wellness and wellbeing are evident and sustained.

G1.6 Well-trained social workers with knowledge of Amerindian culture and communities should be available to provide guidance and counselling. The social fabric in many Amerindian communities has deteriorated to such an extent that indigenous cultures and traditions are no longer practiced. Alcohol and drug abuse, rape, incest, depression and suicide are becoming commonplace, especially in mining areas. Traditional cassavabased diets are increasingly replaced by canned goods and process foods,

Development Objective G: Healthy, Educated and Socially Cohesive Population

- G1. Public Health and Wellbeing
- **G2. Education**
- G3. Social Cohesion and Diversity of Cultural Expression

lowering resistance to illnesses and disease. The priority is to establish, reestablish &/or strengthen rehabilitation programmes for the most affected communities so as to curb community-based problems. Funding must also be prioritised for programmes operated by faith- or service-based non-profits that already assist these communities or that are best positioned to do so.

G1.14 Target interventions to 'at-risk' groups e.g. [...], indigenous, [...], where they live, work and/or socialize for more effective responses [...]

G2.1 Redouble efforts to keep boys and girls in school during the compulsory period of schooling. [...]. Indigenous communities and particularly boys are heavily affected [...]

G2.8 Fully implement curriculum changes to educate on the sustainable development agenda. [...]. Indigenous communities must also benefit from instructional tools and materials that teach the same themes but are expressed in their languages with appropriate use of symbols, icons and characters that are familiar and relate to their settings. [...].

G2.9 Indigenous children should benefit from culturally-appropriate instructional materials and methods. There are nine different Indigenous groups and languages in Guyana, with four main languages (Arawak, Carib, Warrau and Wapisianas). Their rights to "free, prior and informed consent" must prevail on matters related to development of educational and instructional materials. Efforts should be increased to translate English instructional lessons into the main native languages through primarily school levels, ensuring primacy of native language proficiency, prior to introducing English as a second, instructional language.

G2.10 Schools, classrooms, and dormitories (i.e. public boarding schools in the hinterland) have improved designs, facilities and access. [...] Particularly for the dormitories of residential schools where they may exist in hinterland areas and within or near indigenous communities, the design of school buildings should be more culturally appropriate to their traditions and for fostering a better learning environment. Similarly, residences must be designed, constructed and maintained to a standard that does not discourage teachers from spending considerable amounts of time away from their families and/or city living, while teaching at hinterland schools

G2.11 Schools must celebrate where feasible, annual national events and cultural diversity. [...]The objective is to develop awareness and appreciation for the country's culture – natural, artistic, historical, tangible and intangible – and foster pride and participation. Extramural or interscholastic events may feature celebrations of national or themed events e.g. at Independence, Mashramani, Amerindian Heritage month that also encourage national or regional competitions and overall enjoyment of school life

G2.15 Technical, Vocational Education and Training (TVET) must be strengthened to play a vital role in preparing students for the labour market [...] enrolment of indigenous persons, while imparting knowledge on techniques for low carbon forms of agriculture, craft-making, forestry guiding and monitoring, agro- and food processing, artistic trades, business management, and negotiation skills. TVET schools should be decentralised from the coast to provide better opportunities and access by hinterland communities.

G3.5 Promote investment in Guyana's diverse cultural expression as a unifying, cohesive objective. Guyana is rich in cultural diversity with a mixed heritage of populations that are indigenous or arrived from Africa, Asia, and Europe. The Department of Culture, Youth and Sport (Ministry of Education) and the Department of Social Cohesion (Ministry of the Presidency) are in the forefront of planning and executing cultural events at national, regional and local levels that promote tolerance, a historical appreciation of Guyana's ethnic diversity and in ways that encourage curiosity, creativity and camaraderie. [...]

H2.5 Undertake a comprehensive review on the performance of National Human Rights institutions. Since their establishment following the 2001/2003 Constitutional reforms, these agencies need urgent review and strengthening. In the case of the Rights Commissions that have operated in the last decade (Rights of Child, Women and Gender Equality, Indigenous Peoples), this analysis will encompass the adequacy of their mandates and resources based on results to date, the need for additional implementing legislation and improving their profile with the public. [...] Further changes would ultimately be effected through reform of the Constitution.

H4.1 The governance of land is given the highest priority. With the articulation of Guyana's first National Land Policy that provides the framework for managing our land resources more efficiently and sustainably, improved

Development Objective H: Good Governance, Transparency and Knowledge Management

H2. The rule of law and strong institutions

H4. Land governance

governance of land will eliminate related resource use conflicts and reduce land degradation. Critical to this effort are new government-wide geographic information systems that form the basis of a state-of-the art integrated land use planning system. New governance of the extractives industries emphasises greater transparency and oversight, stronger enforcement roles and resolution of indigenous peoples' land rights. Government will be brought closer to the people with knowledge management and e-governance systems that give more control and influence over decisions that impact people's lives.

H4.5 Resolve the land rights of indigenous peoples. Progress with the Amerindian Land Titling Programme has slowed over the last three years. Claims for extensions have not been processed while extractives activities have continued to be licensed on lands claimed by the indigenous communities. The commitment to addressing concerns of indigenous communities remains and must resolve all outstanding applications for village lands, whilst also addressing the issue of extensions to include "customary" lands, all on the basis of the free, prior and informed consent of the indigenous people

H4.6 Implement the Integrated Land Use Planning system. Under the coordination of GL&SC, the government's Sustainable Land Development and Management Programme (SLDMP) has launched a process of developing a National Land Policy, which will guide a new national land use planning system. In addition to developing a land policy, the process will involve inter-agency collaboration across the land and natural resource agencies and with civil society to identify and eliminate conflicting mandates across agencies, streamline data systems and propose new protocols for inter-agency information sharing and coordination.

The issue of overlapping mandates (among the GGMC, GFC, GL&SC, EPA, Protected Areas Commission, GTA), while important, is less critical than the question of managing multiple-use permitting on the same piece of land, and on lands claimed by indigenous peoples. This practice has gone on for many years and it will take some effort to de-conflict these areas in the context of a new land policy, institutional architecture and integrated planning system. The Government can elect not to renew extractive licenses in areas that have not been beneficially utilised or could be put to alternative, more productive and sustainable uses.

3.IFAD work with indigenous peoples in the country 65

IFAD Projects: https://www.ifad.org/en/web/operations/w/country/guyana

IPAF Projects: https://www.ifad.org/documents/38711624/41839851/ipaf_lac_e.pdf/c20cf2f9-b34a-597e-e52d-6fb7237e8eab

IFAD has funded the following projects in the country under the Indigenous Peoples Assistance Facility (IPAF)

Reconnecting Wapichan Youth with Traditional Knowledge

Date: 2019

Partner organization: Organization South Central Peoples' Development Association

Project area: South Rupununi, Region 9

Indigenous Peoples: Wapichan people of South Rupununi

Grant amount: 50,000 USD

 Building capacity of Wapichan people to secure traditional lands and sustainably manage their resources

Year: 2008

Partner organization: Organization South Central People Development Association (SCPDA)

Project area: Districts of South Rupununi and South Central Rupununi

Indigenous peoples: Wapichan Grant amount: 23,850 USD

• Indigenous Rights Capacity Building for Indigenous Communities in Guyana

⁶⁵ See IFAD/IPAF for further information

Year: 2007

Partner organization: Amerindian Peoples Association (APA)

Project area: South Cummingsburg, Georgetown

Indigenous peoples: indigenous people of South Cummingsburg, Georgetown

Grant amount: 20,000 USD

IFAD has also funded two projects in Guyana that specifically register indigenous beneficiaries:

Hinterland Environmentally Sustainable Agricultural Development Project 66

Project area: all sub-regions of region 9 and in the Mabaruma and Moruca sub-regions of region 1. Its target group are 6,000 poor households, equivalent to 94 per cent of all poor households in the project area. At least 15 per cent of these households (900) will be headed by women, reflecting the overall proportion of women-headed households in the project area. 75 percent of the beneficiaries are indigenous. Total IFAD financing in USD: 8.460 million. Implementation period: 2016-2026.

Rural Enterprise and Agricultural Development Project (READ)

Project area: Pomeroon-Supenaam, Essequibo Islands-West Demerara, Demerara-Mahaica, Mahaica Berbice, East Berbice-Corentyne, Upper Demerara-Upper Berbice Regions. Its target group are rural people, farmers and operators of micro and small-scale enterprises, and poor or extremely poor rural men and women micro- and small entrepreneurs; particularly female-headed households. Carib and Awarak Amerindian groups constitute the 16% of the beneficiaries. Total IFAD financing in USD: 5.760 million. Implementation period: 2009-2015.

4. Some relevant initiatives of the international cooperation in the country

According to World Bank data, Guyana received 113.27 million USD as foreign aid and official development assistance in 2019.⁶⁷ The members of the Development Partners Group of Guyana are: Argentina, Brazil, Canada (Global Affairs Canada), CARICOM, Chile, China, the European Union, the Guyana Development Initiative (backed by the Harvard Business School), India, the IDB, the Inter-American Institute for Cooperation on Agriculture (IICA); the International Monetary Fund (IMF); the International Republican Institute (IRI); Mexico, the Organization of American States (OAS); Russia, the United Kingdom; the United States of America (USAID, Peace Corps) and the World Bank.⁶⁸

4.1. United Nations System

The UNCT in Guyana works with different partners to deliver the *UN Caribbean Multi-Country Sustainable Development Framework (MSDCF) 2022-2026*.⁶⁹ Besides Guyana itself, the key donor partners for the UN System in the country are Canada, the Global Environment Facility, Norway (the Guyana REDD+ Investment Fund), India, the IDB, Japan, the United Kingdom, the United States (USAID, other) and the World Bank.⁷⁰

UN agencies, funds and programmes present in the country by 2020 were: FAO, OHCHR, PAHO, UNAIDS, IOM, UNCTAD, UNEP, UNDP, UNFPA, UNHCR, UNICEF, UN Women, the WFP and the World Bank.

⁶⁶ https://operations.ifad.org/web/ifad/operations/country/project/tags/guyana/2000001472/project_overview

⁶⁷ https://www.theglobaleconomy.com/Guyana/foreign_aid/

⁶⁸ UNCT (2021)

⁶⁹ United Nations (s.f.)

⁷⁰ UNCT (2021)

UN Vision 2030: Achieved all SDGs, recovered from the impact of COVID-19 in a sustainable and transformative manner, leveraging regional cooperation. A resilient region where people choose to live and can reach their full potential Reslience to Climate Economic resilience and **Equity and** Safety, Justice **Change and Natural Resource** and the Rule of Law **Shared prosperity** Well-being Management Outcome 3: Regional and national Outcome 5: Caribbean people and Outcome 1: More productive and Outcome 7: Regional and national institutions are consistently gathering communities have enhanced competitive business ecosystems laws, policies, systems and data to inform laws and policies to adaptive capacity for inclusive, improve standards of living in the institutions improve access to eliminate discrimination, address gender responsive DRM and structural inequalities and ensure the justice and promote peace, social Caribbean, especially for women climate change adaptation and advancement of those at risk of and youth cohesion and security mitigation being left furthest behind Outcome 2: Caribbean economies Outcome 4: People in the Caribbean Outcome 6: Natural resources Outcome 8: People in the Caribbean and communities have have transitioned to more equitably access and utilize universal. and ecosystems are managed more sustainably to enhance an improved standard of living, in diversified and sustainable quality and shock-responsive, health. safe, fair, inclusive, and equitable educational and care services with community and people resilience models that support inclusive and social protection floors in place resilient economic growth as well as shared prosperity societies Enablers: Innovation - Digital Transformation - Data and Information Systems - Advocacy for development financing - Youth and civil society engagement – Regional Integration – Institutional Capacity Building - Advocacy for people at risk of being left behind Groups of people at risk of being left behind: Women and girls-Migrants and Refugees - LGBTQI people - People living with disabilities -

UN Caribbean Multi-Country Sustainable Development Framework (MSDCF) 2022-2026

Young male in marginalized communities – People living in remote, poor, rural areas – People living with HIV – Children – Elderly –

As mentioned above, UNDP is working with the Guyana Government in different initiatives, including the ALT and the ADF. Together with UN Environment, they have supported the public consultation processes for the Green State Development Strategy and the LCDS 2030. UNEP and its partners are implementing in Guyana the multi-country project, "Strengthening the environmental dimensions of the sustainable development goals" (SDG-SED Guyana Project).⁷¹

The UNCT provides annual results reports on the activities undertaken in the country. For 2020, the report records the following activities that include indigenous peoples:

- UN Women engaged Youth Challenge Guyana (YCG) to promote values of gender equity work among 100 indigenous community leaders/village representatives in Region 1, with sessions covering women and girls' sexuality and reproduction, determinants of self-confidence and selfesteem, and the promotion of positive masculinities.
- With financial backing from the Canadian and British governments, across nine Caribbean countries, UN Agencies, Funds and Programmes including UNDP, WFP and UN Women have also joined forces with the Caribbean Disaster Emergency Management Agency (CDEMA) on the 'Enabling Gender-Responsive Disaster Recovery, Climate and Environmental Resilience' (EnGenDER) Project. EnGenDER has provided cash and food items for women, children, youth, persons living with disabilities and indigenous populations affected by the economic consequence of COVID-19. The project provides particular support for women and children in situations of family violence
- Responding to a call from indigenous communities to support radio broadcasts critical for COVID-19 communications, several Agencies jointly donated a set of replacement solar batteries enabling these community-based radio to continue operating.

4.2. European Union (EU), member states and Norway

According to the EU Multi Year Indicative Programme with the Republic of Guyana, there is no member state embassy in Guyana and only few member states development programmes in the country for the

Indigenous people

^{71 &}lt;u>https://wesr.unep.org/article/strengthening-environmental-dimension-sdgs-guyanas-green-state-development-strategy</u>

⁷² UNCT (2021)

time being. France might consider to deploy activities in Guyana through Agence Française de Développement (AFD), in close contact with the EU. Guyana is beneficiary of the regional Future Forest - Amazonia Verde project, an initiative from the French government and implemented by Conservation International (CI), with the aim to support the conservation initiatives of 26 groups of Indigenous Peoples and Local Communities from 7 Amazon countries to protect forests and conserve livelihoods.73

Under the European Regional Development Fund (ERDF), DG REGIO in shared management with the Collectivité Territoriale de Guyane, is preparing a new operational programme Amazonia 2021-2026. This programme, set for French Guiana under the EU cohesion policy, funded probably with EUR 19 M, is a regional programme with Suriname, Guyana and the Brazilian states of Amapá, Para and Amazonas.

At the end of 2018, the Government of Guyana initialled the Voluntary Partnership Agreement with the EU, entering into an agreement for the implementation of the EU FLEGT.74

Guyana is also beneficiary of the EU ACP Sustainable Wildlife Management (SWM) programme (2017-2024). The SWM programme is an international initiative that aims to improve wildlife conservation and food security, through innovative, collaborative and scalable new approaches to conserve wild animals and protect ecosystems. At the same time it aims to improve the livelihoods of indigenous peoples and rural communities who depend on these resources. The SWM project in Guyana is encouraging coordinated community-driven initiatives that support food security and traditional livelihoods in the Rupununi savannah.

For the period 2021-2027, the EU will focus its cooperation with Guyana only on Forest Partnerships. The main objective will be to address forests (including mangroves) in a comprehensive and integrated way - to protect, restore and/or ensure the sustainable use. Human rights protection, including the rights of indigenous peoples, will be mainstreamed in the activities. EU assistance will prioritize the involvement of indigenous people in all programme activities

In 2009, Guyana and Norway signed a MOU for funding of up to USD 250 million over five years for results achieved by Guyana in limiting emissions from deforestation and forest degradation.⁷⁵ The objective, in the absence of a REDD+ mechanism, was to create a replicable model. Funding was invested in the implementation of LCDS 2009. According to the Government, the model fulfilled three core functions:

- 1. Earning Payments: Guyana was paid using a calculation based on independently verified delivery of forest climate services.
- 2. Managing Payments: the Guyana REDD+ Investment Fund (GRIF), hosted by the World Bank, was the principal financial intermediary with an IDB Renewable Energy Account providing similar services and.
- 3. Investing Payments: the process for funding LCDS projects through a set of mutually agreed Partner Entities.76

The Guyana-Norway Partnership payments from the period 2009-2015 were invested in renewable energy, protection against climate change, land titling, job creation and other priorities in the LCDS. As mentioned above, among the initiatives funded under this initiative are the ADF and ALT projects. In the period 2016-2021, no payments were received, but carbon credits were generated with the prevision of selling them if a market can be accessed in future. Negotiations with Norway on the continuation of the forest agreement (phase two of the LCDS) are ongoing.

4.3. Inter-American Development Bank (IDB)

The Government of Guyana and the IDB Group agreed on four areas of interventions for the 2017–2021 Country Strategy: (i) Establishing a modern national strategy and planning framework for undergirding the new Green State Development Strategy, including to drive economic diversification efforts and pursue modern industrial policies; (ii) Strengthening fiscal policies and the framework managing natural

⁷³ EU (2020)

⁷⁴ In relation to indigenous peoples' rights, see http://www.forestpeoples.org/en/node/50345

⁷⁵ Office of the President (2010)

⁷⁶ Detailed information of the Guyana Norway Partnership at: https://lcds.gov.gy/lcds-appendix-three/

resource revenues; (iii) Facilitating private sector development to support the delivery of better services, mainly through enhancing the business environment; and (iv) Delivering critical infrastructure to facilitate human and private sector development. These areas will ensure continuity with existing portfolio commitments, and respond to developing government priorities in areas in the new Green State Development Strategy.

Although several of the IDB projects under implementation in Guyana may involve or affect indigenous peoples, the only initiative specifically mentioning indigenous is the project 'Support for Indigenous Education during COVID-19.' 77

4.4. World Bank

The World Bank lists eleven active projects in Guyana.78

Name of the project	Number/amount committed	Indigenous peoples plan	Implementing agency
Guyana Strengthening Human Capital through Education Project	P177741 44.00 million USD	According to the ESRS an Indigenous Peoples Planning Framework will be developed when necessary ⁷⁹	Ministry of Education
AF Guyana COVID-19 Emergency Response Project and AF	P175268 7.5 million USD P176546 6.00 million USD	Indigenous Peoples Plan in parent project 80	Ministry of Health
Guyana Education Sector Program Project	P174244 6,3 Million USD	IP Planning Framework to be developed for relevant components 81	Ministry of Education
Guyana Secondary Education Improvement And AF	P147924 23.5 million USD P P170471 13.5 million USD	Indigenous Peoples Plan ⁸²	Ministry of Education
Guyana Education Sector Improvement Project	P159519 13.33 million USD	Indigenous Peoples Plan	Ministry of Education
GY flood risk management And AFinancing	P147250 11.89 million USD P170025 26 million USD	PO/BP 4.10 not triggered	Agriculture Sector Development Unit (ASDU), Ministry of Agriculture
Guyana Petroleum Resources	P166730	NO 85	Ministry of Natural Resources

⁷⁷ https://www.iadb.org/en/project/GY-T1175

https://documents1.worldbank.org/curated/en/099512004262216012/pdf/P177741071d16a074081c503698db05e333.pdf

https://documents1.worldbank.org/curated/en/765371468034148751/pdf/IPP7040V10REVI00Box385182B00PUBLIC0.pdf

⁷⁸ https://www.worldbank.org/en/news/factsheet/2020/09/02/the-world-bank-in-guyana

https://documents1.worldbank.org/curated/en/¹⁵¹⁹³¹⁶²²⁵⁷⁸⁸²⁷¹⁵⁵/pdf/Additional-Financing-Environmental-and-Social-Review-Summary-ESRS-AF-Guyana-COVID-19-Emergency-Response-Project-P176546.pdf

https://documents1.worldbank.org/curated/en/826391621391054424/pdf/Appraisal-Environmental-and-Social-Review-Summary-ESRS-Guyana-Education-Sector-Program-Project-P174244.pdf

⁸³ https://documents1.worldbank.org/curated/en/598821486463998272/pdf/SFG2984-IPP-P159519-Box402884B-PUBLIC-Disclosed-2-6-2017.pdf

https://documents1.worldbank.org/curated/en/998111568354540948/pdf/Environmental-and-Social-Assessment-Framework.pdf

⁸⁵ On OP 4.10, the integrated safeguards document reads: The proposed Project will support the development of institutions, laws and regulations relevant to the entire O&G sector (onshore and offshore) and stakeholder

Governance and Management Project	20 million USD		
Debt Reduction	P053094	NO	NI/A
Operation Project	6 million USD	NO	N/A

2. National framework on climate change

	Ratification
UNFCCC	1997
Kyoto Protocol	2003
Paris Agreement	2016

5.1. Legal and policy instruments

In 2009, Guyana made public a *Low Carbon Development Strategy* (LCDS), elaborated after consultations with the Guyanese population, including indigenous peoples, who were recognized to 'play a particular vital role' for the implementation of the Strategy The LCDS stated that: [i]n alignment with the principles of free, prior and informed consent, Amerindian communities will not be required to participate in REDD+ unless they choose to do so, and no deadline will be set for whether and how they can "opt in" to REDD+ and the LCDS. ⁸⁶

The 2009 LCDS set out a three phase plan so Guyana could fund the Strategy through payment for forest climate services. Phase I was a bilateral agreement with Norway;⁸⁷ Phase II was the establishment of market-based mechanisms to allow for the sale of carbon credits on voluntary markets, including private companies; and Phase III was further integration in international markets and any full UNFCCC REDD+ mechanism.⁸⁸

The 2009 LCDS has been reviewed and developed into the LCDS 2030.⁸⁹ Funding of the LCDS 2030 will be based on the same scheme. Phase II is evolving according to international negotiations. According to the LCDS 2030, *Guyana assessed various market standards that could underpin such an integration with global carbon markets, and the ART-TREES mechanism is the best match for Guyana's objectives – given that it values Guyana's contribution to maintaining globally significant forests and provides the means to access new revenues to boost both national programmes and community-led initiatives.90 The ART-TREES standard also recognises Guyana's forest climate services for the period 2016-2021, which would allow no gap in payments. With ART-TREES, Guyana can deliver on the second phase of its vision for forest climate services where Norway paid in Phase I for credits from 2009-2015, with ART-TREES credits being available from 2016 to enable the start of Phase 2.*

The LCDS 2030 sets out four objectives: value ecosystem services; invest in clean energy and stimulate low carbon growth; protect against climate change and biodiversity loss; and align with global climate

consultations. The project will not finance any physical investments, nor will it finance oil and gas exploration and production activities. Project safeguards are therefore focused on supporting the government in strengthening their role in managing environmental and social risks associated with the sector, through: (i) provision of technical assistance and capacity building to the Environmental Protection Agency, and (ii) the preparation of a Strategic Environmental and Social Assessment (SESA) and the implementation of associated recommendations. The SESA will include an IPPF with social analysis covering issues under OP/BP 4.10, including identification of areas with potential presence of indigenous peoples, identification of potential risks and possible mitigation measures and Government wish to consider in the future. that mav https://documents1.worldbank.org/curated/en/813551544391661999/pdf/Concept-Project-Information-Document-Integrated-Safeguards-Data-Sheet-Guyana-Petroleum-Resources-Governance-and-Management-Project-P166730.pdf

⁸⁶ Office of the President (2010), p.5

⁸⁷ See section 4.2 above

⁸⁸ Further details in GoG (2022), p.137

⁸⁹ GoG (2022)

⁹⁰ GoG (2022), p.11

and biodiversity goals, with a view to develop an ecosystems economy balancing different development models.

Due to their unique role in forest protection, the LCDS 2030 establishes that indigenous communities will be able to opt for ART-TRESS revenues.

Indigenous Villages: Opting-in ART-TRESS revenues

A decision to opt into the ART-TREES revenue sharing mechanism will enable a village to access benefits from the sale of ART-TREES credits. For the previous and current ART-TREES commitment periods (covering revenues for the period 2016-2025), the village leadership (the Village Council) will be invited to consult with members of the community to agree to:

- produce an Outline Village Sustainability Plan by the end of 2022
- finalise the Village Sustainability Plan by the end of June 2023

Based on existing village-led decision-making processes, principles of FPIC, and feedback received during the national consultation on the draft LCDS 2030, the following process is recommended for producing Village Sustainability Plans (VSPs):

- The village council will call a village meeting, to which all villagers will be invited and where all adults will be entitled to vote.
- In advance of the meeting, the village council (with the support of government and/or non-governmental organisations, if requested) will provide villages with clear information on the potential revenue for the village as well as the requirement to invest revenues in a Village Sustainability Plan, which will be put together by villagers themselves.
- Communities will produce a Village Sustainability Plan to basic standards of financial transparency and accountability.
- A vote by two-thirds of those present will be recognised as the decision of the village.
- The village Toshao will communicate the village's decision to the ART-TREES national focal point (the Guyana Forestry Commission).
- The ART-TREES focal point will ensure a record of all village decisions is publicly available (including through a website).

The process above draws on input from long standing good practice on FPIC, as well as the National Toshao's Council Policy Statement of 2019 which outlined key pillars of FPIC. These principles of FPIC form the guidelines to be applied for village level planning and decision making in shaping investment plans for forest climate financing to ensure village ownership, and longevity in project implementation.

- Right to say "Yes" or "No" to development, benefit or opportunity
- Timely and full information-sharing through appropriate communication methods in order to create clear understanding.
- Full financial disclosures from prospective partners and business investors.
- Right to make own informed decisions
- All decisions based on FPIC must respect the rights, interests and special connections of Indigenous peoples to the lands and waters of villages/communities.
- For any decision taken the people and villagers must have full participation.
- There must be a feedback mechanism for transparency and accountability.

The LDSC 2030 also contains suggestions on the contents of the Village Sustainability Plans (VSPs) to be submitted for funding.

The LDSC 2030 commits to continue the Amerindian Land Titling Project as a priority.

Source: GoG (2022) LCDS 2030

In 2015, Guyana concluded a *Climate Resilience Strategy and Action Plan* (CRSAP), developed with resources from the Guyana-Norway Partnership. According to the LCDS 2030, some of its recommendations need further analysis. Based on the outcomes of this analysis, Guyana will start a new set of priority investments in drainage and irrigation, sea defences, mangrove restoration, flood and drought measures to address the potential harm to households and businesses from climate change. In 2021, work re-started to implement the strategy. The most important elements of the CRSAP are being brought up to date. Funding will be allocated to the priority climate resilience programs. A strategy to

finance the remainder of the CRSAP, from ecosystem services payments and other sources, will be put in place and launched in 2023.91

5.2. Nationally Determined Contributions (NDC)

In 2021 Guyana submitted a revised NDC, which had been first elaborated in 2015.⁹² The intended contributions focus on two priorities: sustainable forest management and increase use of renewable energies. Regarding the forest sector, Guyana commits, unconditionally, to continue and improve ongoing work to realize sustainable forest management. In this regard, the NDC states that *Indigenous people own and manage some 14% of Guyana's lands. The culture and traditions of indigenous peoples are rooted in sustainable use of nature, evident in the forests and other natural ecosystems maintained through centuries on the lands they have customarily occupied and used. Guyana will strengthen its support for indigenous communities as they continue the stewardship of their lands and inter alia the benefits that accrue from any REDD+ activities from these lands.⁹³*

5.3. Institutions

The Office of Climate Change (OCC), part of the President's Office, is the governmental agency responsible for leading the development and implementation of national policies and actions for 'climate change mainstreaming' and the coordination of efforts to mitigate and adapt to climate change. Originally conceived primarily to support the preparation and implementation of the Low Carbon Development Strategy in 2009, the OCC now leads Guyana's national climate change efforts. The OCC is the National Focal Point for climate change and to the UNFCCC, and coordinates Guyana's international engagements with the UNFCCC and other climate change processes.⁹⁴

A Multi-Stakeholder Steering Committee (MSSC) for the Low Carbon Development Strategy (LCDS) will oversee the implementation of the LCDS 2030, including supporting the catalysing of low carbon investments. This role is reflective of the new framework for forest carbon financing, which will see greater national ownership and participation in the process of earning and managing payments. The MSSC comprises State institutions, civil society organizations, private sector representatives, and indigenous peoples' institutions and organizations.

5.4. Green Climate Fund (GCF)

The GCF is supporting the multi country Amazon Bioeconomy Fund which includes Guyana. 95

Name/ Number of Project	Approval/ Value	ESS Category	Accredited Entity
Amazon Bioeconomy Fund: Unlocking private capital by valuing bioeconomy products and services with climate mitigation and adaptation results in the Amazon FP 173 Cross-cutting	07 Oct 2021 598.1 million USD	Intermediation 2	IADB

5.5. GCF Designated National Authority

Office of the Vice President Honourable Dr. Bharrat Jagdeo Vice President, Co-operative Republic of Guyana Shiv Chanderpaul Drive, Bourda,, Georgetown, Guyana

⁹¹ GoG (2022), p.79

⁹² https://unfccc.int/sites/default/files/NDC/2022-06/Guyana%27s%20revised%20NDC%20-%20Final.pdf

⁹³ NDC (2021) p.7

⁹⁴ https://climatechange.gov.gy/en/index.php

⁹⁵ https://www.greenclimate.fund/project/fp173

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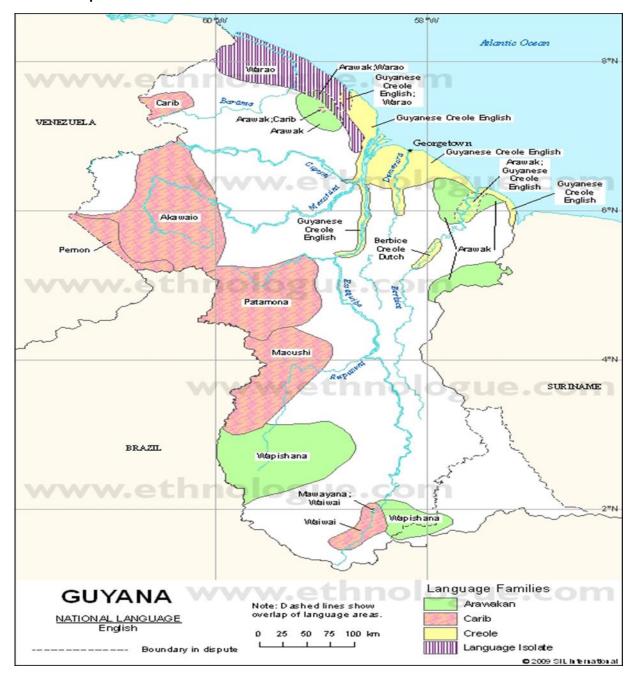
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Annex I: Map



Annex II: Indigenous Organizations

The following list includes information on the main national indigenous organizations in Guyana with information available on line. There a number of other indigenous institutions, organizations and associations in the country with regional and local geographic scope (such as the South Rurupuni District Council, the North Pakaraima District Council, the Moruca District Council, or the Upper Mazaruni District Council or the South Central Peoples' Development Association). 96

	MAIN NATIONAL ORGANIZATIONS
Guyana Organization of Indigenous Peoples (GOIP)	GOIP is an indigenous peoples' organization resuscitated in 1991 and legally registered. GOIP's mission is to facilitate the development of its peoples through indigenous peoples institutes, promote the recognition of the internationally recognised rights and interests of its peoples through partnership with other NGOs, stakeholders and agencies. https://www.facebook.com/goipguyana/
Amerindian Peoples Association of Guyana (APA)	Created in 1991, the Amerindian Peoples Association (APA) is a national Indigenous Peoples organization. Membership of the APA is made up of Units throughout the country, currently amounting to close to eighty such units. The Association is led by an Executive Committee comprising the President, Vice-President, Secretary, Treasurer, Assistant Secretary/Treasurer, eleven regional representatives, a women's representative and a youth representative. The APA has a central office in Georgetown which is staffed by persons from interior communities who carry out the daily functions of the organization and who provides the link between what is happening in the communities and what is happening at the national and international levels. The objectives of the APA are to promote the social, economic, political and cultural development of Amerindian communities in solidarity with each other and to advocate for and defend their rights. http://apaguyana.weebly.com/about-us.html
Amerindian Action Movement of Guyana TAAMOG	No on line information available
National Amerindian Development Foundation NADF	No online information available
	REGIONAL NETWORKS
Coordination of Indigenous Organizations	APA is a member of COICA https://coicamazonia.org/

 96 <u>https://rainforestfoundation.org/our-work/where-we-work/guyana/;</u> http://www.forestpeoples.org/en/partner/south-central-peoples-development-organisation-scpda

of the Amazon Basin COICA

